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Sixty-second session
Agenda item 126
Review of the efficiency of the administrative and financial functioning of the United Nations

Review of the experience of the utilization of the contingency fund

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General entitled "Review of the experience of the utilization of the contingency fund" (A/62/229). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General.

2. In its resolution 61/254, the General Assembly decided that the contingency fund should be set at the level of 0.75 per cent of the preliminary estimate for the biennium 2008-2009. In the same resolution, the Assembly also requested the Secretary-General to review the experience of the utilization of the contingency fund and to report to it thereon at its sixty-second session.

3. The report of the Secretary-General provides useful background information in a clear and transparent manner on the experience of the utilization of the contingency fund. As shown in paragraph 9 of the report, the utilization of the contingency fund has ranged from 19.5 per cent for the biennium 1998-1999 to almost full utilization in the biennium 2002-2003. The utilization of the contingency fund for the biennium 2004-2005 was 63.4 per cent. In paragraph 14 of his report, the Secretary-General states that for the biennium 2006-2007, the balance available in the contingency fund amounts to $637,300, reflecting the utilization factor of 97.8 per cent.

4. The Secretary-General also states in paragraph 14 that, while no additional charges to the contingency fund for the biennium 2006-2007 have been approved since the end of the sixtieth session of the General Assembly, a significant level of additional requirements that normally would have been chargeable to the contingency fund, are being accommodated outside the provisions of the contingency fund, such as $44.3 million relating to the 2005 World Summit Outcome.

07-51365 (E) 270907

5. With regard to the treatment of resource requirements for the World Summit Outcome, the Advisory Committee points out the unprecedented magnitude of the resources involved. The Committee recalls its observation that the estimates for the World Summit Outcome exceeded the level of the contingency fund for the biennium 2006-2007. The Committee suggested policy options for consideration by the General Assembly that provided for the estimates to be treated, as an exception, outside the established procedures for the use and operation of the contingency fund; the Committee also recommended that the exception should not create a precedent for the consideration of the financial implications of future legislative actions (A/60/7/Add.13, para. 67). In paragraph 5 of its resolution 60/246, the General Assembly endorsed the Committee's recommendation.

6. As concerns these additional requirements for the biennium 2006-2007, the Advisory Committee considers that at least some of them should have been dealt with in the context of the proposed programme budget for the biennium, thus avoiding a piecemeal approach to the budget process. For example, in its review of revised estimates related to the renovation of the Secretary-General's residence, the Committee pointed out that, in keeping with proper budget procedure, the proposal should have been submitted as part of the proposed programme budget for the biennium 2006-2007 (A/61/523, para. 6).

7. The Advisory Committee recalls that in A/61/615, paragraph 9, it observed that the fact that the level of the contingency fund was set at a percentage of the overall level of resources meant that the amount of the fund increased with the size of the budget. The Committee also pointed out that past experience had shown that the level of the contingency fund had almost never been exceeded. Furthermore, the Committee recalled that the General Assembly, in its resolution 60/283, had authorized the Secretary-General a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments up to $20 million in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities. The Committee recommended that the level of the contingency fund for the biennium 2008-2009 remain at 0.75 per cent. The Assembly, in its resolution 61/254, decided that the contingency fund should be set at the level recommended by the Committee.

8. **While recognizing that unforeseen requirements must be considered and that it is not always possible to fit new initiatives within the biennial cycle of the regular budget, the Advisory Committee considers it to be the Secretary-General's responsibility, as chief administrative officer of the Organization, to ensure that his proposed programme budget presents the fullest possible picture of the Organization's requirements for the coming biennium (A/62/7, para. 10).**

9. Paragraph 15 of the report of the Secretary-General (A/62/229) outlines potential additional resource demands for 2008-2009. **In the view of the Advisory Committee, increasing the contingency fund to accommodate all those requirements would not contribute to budget discipline, as envisaged in the relevant provisions of General Assembly resolutions 41/213 and 42/211.** The

Committee recalls that the procedures for fixing the level of the contingency fund were set up by the Assembly in those two resolutions, which established the current system of planning, programming and budgetary governance of the Organization. **The Committee considers that those arrangements have stood the test of time and that there is no evidence that they need to be revised.**

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Agenda item 127
Programme budget for the biennium 2006-2007

Contingent liability reserve for the United Nations Postal Administration

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the contingent liability reserve for the United Nations Postal Administration (UNPA) (A/61/900). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee recalls that the Secretary-General, in view of the recommendation made by the Board of Auditors (A/61/5, vol. I, chap. II, para. 477), proposed to establish a reserve for contingent liability for postal services for previously issued UNPA stamps at the level of $3.3 million (see A/61/295). The reserve was proposed to be financed from the net income achieved by UNPA until reaching the proposed level. This would require an exception to regulation 3.14 and rule 103.7 of the Financial Regulations and Rules of the United Nations. The Committee's observations and recommendations on this matter are contained in its previous report (A/61/480).

3. The report of the Secretary-General (A/61/900) was submitted pursuant to General Assembly resolution 61/252, section III, paragraph 2, in which the Assembly requested the Secretary-General to submit a comprehensive report setting out options for reducing the risk posed to UNPA by the use of its services for commercial and bulk mail; options other than the establishment of the contingent liability reserve for UNPA; the status of the negotiations between UNPA and postal authorities where it operates; and further elaboration of the proposals contained in the report of the Secretary-General on the contingent liability reserve for UNPA (A/61/295).

4. As stated in paragraph 6 of the report of the Secretary-General (A/61/900), United Nations Headquarters is currently the location most exposed to the danger of bulk mailers presenting items for processing. The Advisory Committee notes that

07-51416 (E) 011007

the United Nations Office at Geneva no longer accepts commercial external mailing and that the United Nations Office at Vienna, one year after the introduction of the euro in 2002, stopped accepting UNPA stamps issued in Austrian shillings. The Committee was informed that the proposed level of the reserve stated in paragraph 2 above had taken this into account. In addition, measures put in place to limit mail charges while seeking to maintain mail services for philatelic purposes are summarized in paragraphs 9 to 13 of the report of the Secretary-General.

5. In this connection, the Advisory Committee notes that while commercial mail is accepted in Vienna, a 10 per cent handling fee is charged. As regards Headquarters, new measures to restrict large consignments of mail or bulk mail are summarized in paragraphs 9 and 10 of the report of the Secretary-General. The Committee was further informed that following the request by UNPA for advice from the Office of Legal Affairs, a new mailing policy had been issued in September 2007 to minimize the types of mail accepted while retaining mail services for philatelic purposes.

6. The status of negotiations between UNPA and the postal authorities in the United States of America, Austria and Switzerland is summarized in paragraphs 14 to 16 of the report of the Secretary-General, where it is stated that UNPA offices in Geneva and Vienna are able to use reduced postage rates negotiated between the United Nations and the local authorities. Contracts are periodically renegotiated and rebid and the discount rates adjusted accordingly. **The Advisory Committee commends the efforts made by the postal authorities of Switzerland and Austria and welcomes the positive developments in their ongoing discussions with UNPA.**

7. As to United Nations Headquarters, the Advisory Committee was informed that the volume of mail generated by the Organization does not meet the threshold required by the United States Postal Service for the granting of discounts. **The Committee also notes the progress made with the United States Postal Service and encourages the Secretary-General to continue his efforts to obtain discounts for first-class mail in its New York-based operations.**

8. The Advisory Committee notes that the primary alternative, other than the proposed establishment of the contingent liability reserve, would be to continue the current practice of expensing all bulk mailing costs as they are incurred. While this would allow for the absorption of small amounts, it would have an impact on programme implementation if larger expenditures were required to be absorbed as the result of an increase in bulk mailings (A/61/900, paras. 17-18). Furthermore, regardless of the long-term funding of the contingent liability, the financial statements of the United Nations, prepared in accordance with United Nations system accounting standards, require contingent liabilities to be disclosed in the notes to the financial statements.

9. Upon enquiry, the Advisory Committee was provided with information on income and expenditure for UNPA for the biennium 2006-2007 (see annex). The Committee notes that, on the basis of current data and projections, a net income of $411,600 is estimated to be achieved for 2006-2007. The Committee recalls that UNPA achieved a net income of $2.1 million for the biennium 2004-2005 (see A/61/480, annex).

10. In its report on the contingent liability reserve for the United Nations Postal Administration, the Advisory Committee stated that it saw merit in the Secretary-General's proposal to establish a reserve for contingent liabilities for postal services for previously issued UNPA stamps, as recommended by the Board of Auditors and the Office of Internal Oversight Services, to be built up gradually by transferring the balance of the net income of postal services until a ceiling level of $3.3 million is reached. It further recommended that, in order to reach the target of $3.3 million, it would be prudent to consider further streamlining of UNPA operations, if possible, providing requisite service with even greater efficiency (A/61/480, para. 8). In connection with the latter, the Committee notes that the proposed programme budget for 2008-2009 includes the abolition of two General Service posts, as well as the redeployment of a P-4 post from UNPA to the catering services operations in New York (A/62/6 (Income sect. 3), para. IS3.14).

11. **The Advisory Committee reiterates its views as to the merits of creating a reserve for contingent liabilities for postal services for previously issued UNPA stamps, as put forward in its previous report (A/61/480) (see also para. 10 above). As regards the level of the reserve, the Committee believes that it should be looked into by the United Nations Board of Auditors, taking into account recent developments as well as projections.**

Annex

United Nations Postal Administration: financial information and estimates for the biennium 2006-2007

(Thousands of United States dollars)

	January 2006-December 2006			*January 2006-August 2007 (preliminary)*			*January 2006-December 2007 (estimate)*		
	New York	*Geneva and Vienna*	*Total*	*New York*	*Geneva and Vienna*	*Total*	*New York*	*Geneva and Vienna*	*Total*
Income									
Income	3 362.7	3 804.5	7 167.2	5 495.7	6 039.4	11 535.1	6 500.0	7 810.0	14 310.0
Less: payments for mail charges and commissions	(497.7)	(595.8)	(1 093.5)	(1 022.3)	(801.9)	(1 824.2)	(1 200.0)	(960.0)	(2 160.0)
Net income from sales	**2 865.0**	**3 208.7**	**6 073.7**	**4 473.4**	**5 237.5**	**9 710.9**	**5 300.0**	**6 850.0**	**12 150.0**
Expenditures									
Salaries and common staff costs[a]	1 995.0	1 695.2	3 690.2	3 317.2	2 853.2	6 170.4	3 850.0	3 424 0	7 274.0
Other staff costs[a]	513.4	244.9	758.3	786.1	413.0	1 199.1	955.2	512.1	1 467.3
Travel	27.0	20.7	47.7	42.9	42.7	85.6	42.9	44.8	87.7
Contractual services[a]	562.7	63.8	626.5	1 160.5	148.2	1 308.7	1 642.0	203.6	1 845.6
General operating expenses	193.5	129.0	322.5	304.1	225.7	529.8	417.5	405.6	823.1
Supplies and materials	49.6	40.1	89.7	64.5	76.1	140.6	84.0	114.2	198.2
Furniture and equipment	3.3	21.2	24.5	6.1	22.0	28.1	6.1	36.4	42.5
Total expenditure	**3 344.5**	**2 214.9**	**5 559.4**	**5 681.4**	**3 780.9**	**9 462.3**	**6 997.7**	**4 740.7**	**11 738.4**
Net income (loss)	**(479.5)**	**993.8**	**514.3**	**(1 208.0)**	**1 456.6**	**248.6**	**(1 697.7)**	**2 109.3**	**411.6**

[a] Expenditure related to the design, printing, promotion and packaging of stamps is charged primarily to the headquarters operations where the functions are performed.

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Programme budget for the biennium 2006-2007

Review of the standards of travel and entitlements for staff members of organs and subsidiary organs of the United Nations system

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the review of the standards of travel and entitlements for staff members, members of organs and subsidiary organs of the United Nations and entities of the United Nations system (A/61/801). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General was submitted pursuant to General Assembly resolution 60/255, section IV, in which the Assembly requested the Secretary-General to initiate, within the framework of the United Nations System Chief Executives Board for Coordination (CEB), a review of the standards of travel and entitlements for staff members, members of organs and subsidiary organs of the United Nations and organizations of the United Nations system, with a view to adopting a common policy at the United Nations system level, and to submit the results of the review to the General Assembly at the first part of its resumed sixty-first session.

3. The Advisory Committee notes that the report of the Secretary-General presents the results of a survey distributed by the CEB secretariat in late 2006 to 38 intergovernmental organizations, both inside and outside the United Nations system. As indicated in the report, a total of 17 entities responded (16 from the United Nations system and the Organization for Security and Cooperation in Europe). The survey focused on mission travel accommodations, non-mission travel and the travel of representatives of Member States (see A/61/801, paras. 14-15). The conclusion, based on the results of the survey, is that it is clear that very little has changed since the issuance of the Joint Inspection Unit report of 2005 (see A/60/78) and that travel policies continue to differ, sometimes substantially, across the system, but mostly as regards mission travel.

07-51423 (E) 100107

4. The Advisory Committee is of the view that the report of the Secretary-General, as submitted, is lacking in that it only partially addresses the request of the General Assembly. The report presents a compilation of data but does not indicate any action taken or proposed to be taken, nor does it make any proposals for adopting a common policy to better harmonize the conditions of travel at the United Nations system level supplementing the comments of CEB (see A/60/78/Add.1) in response to the report of the Joint Inspection Unit. Upon enquiry, the Committee was informed that the issue of travel entitlements is not currently on the agenda of CEB.

5. **The Advisory Committee regrets that CEB did not fully respond to the mandate contained in General Assembly resolution 60/255. The Committee reiterates its recommendation that the Secretary-General be requested to submit a comprehensive report, on the basis of a CEB review and specific proposals, with a view to harmonizing standards of travel for staff of the United Nations common system, indicating the measures that can be implemented under the authority of the Secretary-General, as well as those that will require the approval of the General Assembly (see A/60/78/Add.1, para. 4). These should take into account the study of the International Civil Service Commission on the subject (see A/60/78/Add.1, para. 2) and the recommendations of the Joint Inspection Unit (see A/60/78), as well as the various recommendations made by the Advisory Committee and the decisions taken by the General Assembly in this regard.**

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Review of the efficiency of the administrative and financial functioning of the United Nations

United Nations Secretariat Consolidated Report 2006

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the *United Nations Secretariat Consolidated Report 2006* and the Secretary-General's accompanying note (A/62/164). During its review of the report, the Committee met with representatives of the Secretary-General.

2. The Advisory Committee recalls that in the context of the comprehensive management reform proposals set out in his reports "Investing in the United Nations: for a stronger organization worldwide" (A/60/692 and Corr.1 and A/60/846/Add.4), the Secretary-General proposed to produce a single, comprehensive annual report that would contain both the financial and programme information necessary for assessing the Organization's performance and management of resources. As such, it was intended to be a tool for enhancing the transparency and accountability of the Secretariat to Member States and to the public at large. In its report on those proposals, the Committee emphasized the need to define more clearly the purpose of the consolidated report and the target audience. It pointed out that an attempt to provide a single report to serve the needs of both the general public and Member States might result in a document that was too technical for the former and too general for the latter. It had recommended that the Secretary-General concentrate on developing a comprehensive financial and programme report for the General Assembly, bearing in mind that such a report should complement and not replace the report of the Secretary-General on the work of the Organization required under Article 98 of the Charter of the United Nations (A/60/870, paras. 68-69). In its resolution 60/283, the Assembly endorsed the Committee's recommendations.

3. The Advisory Committee recalls that the first *Consolidated Report* was issued for 2005 in English only and was not reviewed by the General Assembly. The *Consolidated Report 2006*, submitted in August 2007, will be published in the six official languages of the United Nations and is to be submitted for consideration by

07-51449 (E) 101007

the General Assembly. The report will not be available as a sales item and will be distributed according to the standard pattern for General Assembly documents.

4. During its consideration of the *Consolidated Report 2006*, the Advisory Committee received further information on its target audience and its role as a tool for improving transparency and accountability, as well as its authorship, the process of its preparation and production costs.

5. From the Secretary-General's foreword to the *Consolidated Report 2006*, the Advisory Committee notes that it is intended for both the general public and Member States. However, during its discussions with the representatives of the Secretary-General, the Committee was informed that, in accordance with its previous recommendation (A/60/870, para. 69), the *Consolidated Report* had been directed more towards Member States than towards the public at large. The report itself appears to be designed, formatted and presented in a manner intended for the general public, rather than as a parliamentary document for consideration by the General Assembly. Upon enquiry, the Committee was informed that the Secretariat had received only anecdotal feedback on the *Consolidated Report 2005* and had not conducted a client survey of the users or potential users of that report. In the Committee's view, there remains ambiguity about the report's intended audience, and, in its present form, it targets too many audiences, thereby limiting its usefulness.

6. The Advisory Committee questions whether such a report is really useful for the general public since it is limited to the activities of the United Nations Secretariat and does not reflect the impact of the work of other United Nation bodies and non-governmental partners, presenting only a partial picture of the achievements of the Organization as a whole. Furthermore, overall achievements and analysis of challenges in areas that do not clearly fall under one department, such as peacebuilding, conflict resolution, development, the environment, the New Partnership for Africa's Development and humanitarian assistance, are poorly covered. A key message of the United Nations in its outreach to the public — that individuals can contribute to the advancement of the goals of the United Nations — is distinctly missing. In addition, the information contained in the report is somewhat technical in nature, focused on performance, management and certain oversight issues, which may not be easily understood by people who are not familiar with the ongoing reforms and other concerns of the Secretariat and the intergovernmental bodies.

7. On the other hand, if the report is intended mainly for Member States, it appears to the Advisory Committee that the information it contains, which is synthesized yet incomplete, does not support effective decision-making. As pointed out in paragraph 2 above, the Secretary-General is also required to submit an annual report on the work of the Organization, which is used by the General Assembly to review the activities of the Organization as a whole. The Committee also points out that most of the information contained in the *Consolidated Report* can readily be found in other documents, such as the budget and performance reports, that are available to Member States. In addition, more up-to-date information is available on the websites of the various departments. As regards the Secretariat's performance, while the Committee recognizes that efforts have been made to provide fuller information on the weaknesses of each department and the challenges it faces, it does not consider that the new report effectively promotes accountability for targets

that have not been met. The Committee also points out that the timing of the delivery of the *Consolidated Report* does not make performance information and analysis available in time for the consideration of budget proposals.

8. The Advisory Committee welcomes, however, the succinct overview provided of the distribution of the regular budget and other assessed and extrabudgetary resources by strategic programme activity, as well as the summary of the Secretariat's financial performance. It notes that such synthesized, comprehensive data, consolidated in one place, are not found in other public documents. The Committee is of the view that such data could be provided to Member States in the annual report of the Secretary-General on the work of the Organization.

9. Upon enquiry, the Advisory Committee was provided with additional information on the costs of the report and the process of its production. The report is produced under the authority of the Office of the Under-Secretary-General for Management, which coordinates its preparation with the help of a consultant. The Office of the Under-Secretary-General also provides the chapter entitled "Management's discussion and analysis". Departmental focal points provide initial submissions for the section on performance, which are edited by the consultant and ultimately cleared by the respective programme managers. The contributions of the Office of Internal Oversight Services and the Board of Auditors are included without being changed.

10. Resources required for the preparation of the report include: (a) the full-time capacity of a P-5 and a P-4 in the Office of the Under-Secretary-General for Management for approximately three months; (b) the services of a consultant engaged for a four-month period to facilitate the preparation and conduct of a workshop for departmental focal points and editing of the performance section; (c) the services of the Graphic Design Unit of the Department of Public Information for the design of the report; and (d) the services of the Department for General Assembly and Conference Management to proofread, translate and print the report. Specific details on the number of months of work devoted by staff to the preparation of the report are still under review and will be reported in the context of the second performance report on the programme budget for the biennium 2006-2007.

11. Upon request, the Advisory Committee was informed that the external consultant provided a journalistic tone to the content of the report and that the Department of Public Information had not been asked to assist in its drafting. The Committee questions why a report on the activities of the United Nations Secretariat could not be prepared in-house, given the role of the Department of Public Information.

12. **In the light of the observations made above, the Advisory Committee is not convinced that the *Consolidated Report*, as currently presented, improves transparency or accountability in any significant way. The Committee recommends therefore that the publication of the *Consolidated Report* be discontinued.**

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Proposed programme budget for the biennium 2008-2009

United Nations common system

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission for 2007

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement submitted by the Secretary-General (A/62/336) on the administrative and financial implications for the biennium 2008-2009 of the decisions and recommendations of the International Civil Service Commission on the common system, as contained in the report of the Commission to the General Assembly for the year 2007.[1]

2. As in the past, the Advisory Committee has confined its consideration of the financial implications of recommendations contained in the report of the Commission to those submitted to the General Assembly by the Secretary-General

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 30* and corrigendum (A/62/30 and Corr.1).

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in his statement. As indicated in the Secretary-General's statement, the report of the Commission contains decisions and recommendations on the conditions of service of the General Service category in London that involve financial implications for the organizations of the United Nations system.[2] However, those decisions and recommendations would have no financial implications for the proposed programme budget of the United Nations for the biennium 2008-2009. The Advisory Committee has not commented on the recommendations themselves or on their underlying methodology.

3. As indicated in paragraph 3 of the Secretary-General's statement, the cumulative movement of the United States federal civil service net salaries in Washington, D.C., the current comparator, increased by 1.97 per cent, as from 1 January 2007. As a result, the comparator's reference salary (GS-13/GS-14) was 1.97 per cent higher than the net salary of a P-4/VI in the current United Nations base/floor salary scale. In accordance with the approved procedures and past practices, this would call for an upward adjustment of 1.97 per cent in the common system salary scale for staff in the Professional and higher categories. In its 2007 annual report, the Commission has recommended to the General Assembly an upward adjustment of the current base/floor salary scale for staff in the Professional and higher categories by 1.97 per cent, effective from 1 January 2008. The increase of 1.97 per cent for the year 2008 in the base/floor salary scale would be implemented through the standard method of consolidating post adjustment multiplier points on a no-loss/no-gain basis.

4. The Secretary-General indicates that, for the United Nations and other participating organizations of the common system, the financial implications, on an annual basis, of the 1.97 per cent upward adjustment of the current base/floor salary scale for staff in the Professional and higher categories are estimated at $348,700 owing to the increased level of separation payments (see A/62/336, para. 4). With regard to the proposed programme budget of the United Nations and the proposed budgets for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia for the biennium 2008-2009, the financial implications of the increased level of separation payments are estimated at $307,700, $21,400 and $35,600 respectively (ibid., para. 5). The annex to the present report provides details of how the estimates were arrived at.

5. The Secretary-General indicates in paragraph 8 of his statement that the additional requirements resulting from the decisions and recommendations of the International Civil Service Commission related to the proposed upward adjustment of the current base/floor salary scale for staff in the Professional and higher categories by 1.97 per cent will be reflected in the recosting of the proposed programme budget for the biennium 2008-2009 prior to determination of the appropriations to be adopted by the General Assembly. **The Advisory Committee has no objection to the Secretary-General's approach.**

[2] Ibid., paras. 45-49.

Annex

Calculation of the financial implications contained in the report of the International Civil Service Commission for 2007

Table 1

Calculation used by the International Civil Service Commission in arriving at the amount of financial implications indicated in its report for the United Nations and other participating organizations of the common system

I.	Elements		
(a)	Current average base salary[a] (United States dollars)	73 624	(P-4/VI(D))[a]
(b)	Average number of separations system-wide	2 500	
(c)	Average separation payment (weeks)	5	
(d)	Number of weeks per year	52	
(e)	Base/floor increase (percentage)	1.97	
II.	Formula[b]	(a) x (c) / (d) x (b) x (e) =	348 652
III.	Rounded to nearest hundred		348 700

[a] D=dependency rate.

[b] Based on approach approved in 1990 (see ICSC/32/R.6).

Table 2

Calculation of the financial implications for the proposed programme budgets of the United Nations, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda for the biennium 2008-2009 arising from the recommendations of the International Civil Service Commission

(In United States dollars)

	Actual expenditure on separation payments January-July 2007 (a)	*Average monthly expenditure (b)=(a)/7 months*	*Projection for January 2008-December 2009 (c)=(b)x24 months*	*Financial implications for January 2008-December 2009[a] (d)=(c)x0.0197[b]*
United Nations	4 556 100	650 871	15 620 914	307 732
International Tribunal for the Former Yugoslavia	527 100	75 300	1 807 200	35 602
International Criminal Tribunal for Rwanda	316 600	45 229	1 085 486	21 384

[a] The amounts indicated in the statement of programme budget implications are rounded to the nearest hundred.

[b] Percentage increase recommended by the International Civil Service Commission (1.97 per cent).

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Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Sudan

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, submitted in accordance with Human Rights Council resolution 5/1 of 18 June 2007, entitled "Institution-building of the United Nations Human Rights Council", in which the Council decided to renew the mandate until it was considered by the Council according to its annual programme of work.

* The report of the Special Rapporteur on the situation of human rights in the Sudan was submitted after the deadline in order to reflect the most recent developments.

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Report of the Special Rapporteur on the situation of human rights in the Sudan

Summary

The present report provides an analysis of the human rights situation in the Sudan, particularly from the angle of sustenance (rights pertaining to food, nutrition and related matters); freedoms (rights pertaining to security of the person, humane treatment and justice); asylum (rights pertaining to refugees/those seeking refuge); vulnerability (rights concerning specific groups); and responsibility (rights concerning the responsibility of the State authorities to protect human rights and fundamental freedoms, and related accountability).

The present report covers the period from 1 August 2006 to 31 August 2007. It includes the findings of the Special Rapporteur on her mission to the Sudan in July 2007. During the period under review the Human Rights Council expressed its serious concern with regard to the human rights situation in Darfur and undertook a number of initiatives, including convening a special session of the Council on Darfur, sending a high-level mission to Darfur and most recently establishing the Group on Darfur to work with the Government of the Sudan to foster effective implementation of previous human rights recommendations. In the light of her participation in these bodies and the Council's focus on the situation in Darfur, the Special Rapporteur decided to concentrate during her mission on other parts of the country. Protection of human rights in the Sudan continues to be an enormous challenge. Some slow progress has been made during the reporting period, in particular with regard to the drafting of new bills, the issuance of orders, and new policies; however, this has not yet had an effect on the overall situation. Many of the concerns highlighted in last year's report remain the same one year on. Despite the potential for democratic transition and optimism created by the Interim National Constitution and bill of rights, violations of civil and political rights continue.

In all parts of the country, common patterns emerge of injustice, marginalization and exploitation. Impunity also remains a serious concern in all areas. The Special Rapporteur calls on the Government of National Unity and the Government of Southern Sudan to investigate all reports of human rights violations with transparency, make the reports of the investigative committee public, bring the perpetrators to justice and promote the rule of law. She urges the authorities to cooperate fully with the International Criminal Court.

Lastly, the Special Rapporteur expresses concern, as the country prepares for elections in 2009, at the current repression of fundamental rights and freedoms, excessive use of force, and arbitrary arrest and detention of human rights defenders and members of the political opposition. She urges the Government to fulfil its obligations in accordance with international human rights law and to ensure that all the people of the Sudan are able to enjoy their fundamental rights and freedoms.

Contents

		Paragraphs	Page
I.	Introduction	1–5	4
II.	General situation	6–15	5
	A. International legal framework	6–8	5
	B. National framework, institutions and reforms	9–15	6
III.	Northern Sudan	16–37	8
IV.	Darfur	38–45	13
V.	Eastern Sudan	46–48	14
VI.	Transitional areas	49–55	15
VII.	Southern Sudan	56–80	16
VIII.	Conclusions	81–86	20
IX.	Recommendations	87	21

I. Introduction

1. The Commission on Human Rights established the mandate of the Special Rapporteur on the situation of human rights in the Sudan in its resolution 2005/82. Sima Samar was appointed the Special Rapporteur and, was requested to monitor the human rights situation in the Sudan and to report to the Commission on Human Rights (now the Human Rights Council) and the General Assembly. The Council, in its resolution 5/1 of 18 June 2007, entitled "Institution-building of the United Nations Human Rights Council", decided to renew the mandate until the date on which the mandate would be considered by the Council according to its programme of work.

2. During the period under review, the Human Rights Council expressed its serious concern with regard to the human rights situation in Darfur. On 13 December 2006, a Special Session of the Council was convened on Darfur, at which the Council decided to dispatch a high-level mission to Darfur to assess the human rights situation and the needs of the Sudan in this regard. The Special Rapporteur was a member of the high-level mission. Unfortunately, the mission was unable to travel to Darfur in February because visas were not issued for all the team. However, it travelled to Addis Ababa for meetings with the African Union and to Chad to meet with refugees from Darfur. The high-level mission submitted its report to the Human Rights Council in March.[1]

3. The Human Rights Council, taking note of the report and its findings, decided to appoint an expert group to work with the Government of the Sudan to foster the effective implementation of previous human rights recommendations. The Special Rapporteur presides over the Group on Darfur. It has prepared a set of priority recommendations in the areas of the protection of civilians, accountability and justice and humanitarian access, as a plan of action to further the protection of human rights in Darfur, with a time frame for implementation and indicators for measurement of compliance.[2] The Government has committed itself to implementing many of the recommendations and the Group looks forward to receiving information that action has been taken and the situation has improved. The Group will provide its first update on the status of implementation of the recommendations to the Human Rights Council in September 2007 and its final report to the Council in December. The Special Rapporteur encourages the Government to take action without delay to implement the recommendations so that the situation in Darfur improves and people there can fully enjoy their human rights and fundamental freedoms.

4. The present report covers the period from August 2006 to August 2007 and includes the findings of the Special Rapporteur's fourth visit to the Sudan, in July 2007. During that visit she focused less on Darfur, in the light of her ongoing work with the Group on Darfur, and concentrated more on human rights-related developments in other parts of the country. In Khartoum, she met with the Minister of Justice, the State Minister of the Interior, the Sudan Armed Forces representative in the peace agreements, the Rapporteur of the Advisory Council for Human Rights,

[1] Report of the high-level mission on the situation of human rights in Darfur submitted pursuant to Human Rights Council decision S-4/101 (A/HRC/4/80).

[2] See Report on the situation of human rights in Darfur prepared by the group of experts mandated by Human Rights Council resolution 4/8 (A/HRC/5/6).

the Humanitarian Affairs Commissioner, the Head of the Unit to Combat Violence against Women and Children, the Tripartite Committee on Package Support (Ministry of Foreign Affairs), the Head of Legal Administration for the Transitional Darfur Regional Authority, representatives of civil society, representatives of political parties and representatives of the United Nations Mission in the Sudan (UNMIS). She also visited the relocation site of Dar Assalam camp, Gezira State. In El Fasher, Northern Darfur, she met with the Governor and other local officials, and with representatives of the African Union Mission in the Sudan (AMIS) and UNMIS. In Juba, she met with representatives of the Government of Southern Sudan, the Minister of Legal Affairs and Constitutional Development, the Presidential Adviser on Gender and Human Rights, the Minister for Sudan Peoples' Liberation Army (SPLA) Affairs and Chief of Staff, and representatives of the Southern Sudan Human Rights Commission, civil society and UNMIS. In Wau, she met with representatives of civil society, international non-governmental organizations and UNMIS. In Kadugli, she met with the Minister of Urban Planning (representing the Governor), the Speaker and the Human Rights Committee of the State Legislative Council, the Attorney General for South Kordofan, representatives of civil society and United Nations officials.

5. The Special Rapporteur would like to thank the Government of National Unity, the African Commission on Human and People's Rights and the Government of Southern Sudan for facilitating her mission to the country. She would also like to thank the UNMIS Human Rights Office for providing her with support and all the people who took the time to brief her on the human rights situation in the country, in particular the victims of human rights violations who shared their personal stories with her. She commends the national human rights defenders in the Sudan and the international agencies for their work to further the promotion and protection of human rights and to provide humanitarian assistance to vulnerable populations in need.

II. General situation

A. International legal framework

6. The Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, both Optional Protocols to the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Slavery Convention of 1926 and the African Charter on Human and Peoples' Rights. The Sudan is a high contracting party to the Geneva Conventions of 12 August 1949 and acceded to the two Protocols Additional to the Geneva Conventions in 2006. The Sudan is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Rome Statute of the International Criminal Court, and this year it signed the Convention on the Rights of Persons with Disabilities. Thus, the Sudan is also bound to refrain from acts which would defeat the object and purpose of these instruments.

7. In March 2006, the Advisory Council for Human Rights informed the Special Rapporteur that it had recommended that the Sudan should ratify the Convention against Torture and it was considering ratification by the Sudan of the Convention on the Elimination of all Forms of Discrimination against Women. Regrettably, neither instrument had been ratified by the Sudan as of August 2007.

8. During the reporting period, the human rights situation in the Sudan was reviewed by the Committee on the Rights of the Child under the Optional Protocol on the sale of children, child prostitution and child pornography and by the Human Rights Committee. In their concluding observations, they emphasized that progress was still needed in the Sudan to address impunity and the protection of women and children's rights, and to establish an age for criminal responsibility that corresponded to international standards. The Sudan also submitted its third periodic report to the African Commission on Human and Peoples' Rights for review at the forty-second session of the Commission, in November 2007.

B. National framework, institutions and reforms

9. Some progress has been made in implementing the CPA during the reporting period. With regard to the national legal framework, according to information provided by the Advisory Council for Human Rights, important new legislation has been drafted and is with the Council of Ministers or the National Assembly for review during its October session. It includes legislation on the armed forces, national security and the police. According to the Advisory Council for Human Rights, the draft armed forces act 2007 contains a chapter on international humanitarian law making specific reference to the protection of civilians and civilian property, affirms individual responsibility and does not provide immunity for members of the armed forces. The National Constitutional Review Commission reportedly held consultations with political parties and other groups not represented on the Commission concerning the draft elections bill in July 2007. However, the latest draft is not publicly available. The new Political Parties Act (6 February 2007) has been criticized by opposition parties. The Act stipulates that a political parties council is to be established and requires all parties to register with it within 90 days of the passage of the Act. As this council has still not been created, the parties could not comply with the Act's requirement to register within 90 days (by April 2007). Indeed, many parties registered before this Act was passed and do not consider it necessary to register again. Thus, the law may need to be amended to clarify questions regarding proper party registration. The Special Rapporteur encouraged all concerned to ensure that new legislation is consistent with the obligations of the Sudan under international human rights law and the Interim National Constitution. A comprehensive review of legislation is required also and the process should be open, inclusive and participatory, with the participation of the various stakeholders to give it momentum, validity and societal ownership.

10. The Constitutional Court has begun to deal with some major cases. For example, on 26 June 2006 the Constitutional Court accepted a case filed in regard to the Organization of Voluntary and Humanitarian Work Act as the first constitutional challenge under the Bill of Rights. The Act was passed by the National Assembly on 21 February 2006 and has proved controversial owing to the wide powers it accords to the Registrar and the Commissioner of Humanitarian Aid Commission in registering organizations and approving programmes. By July 2007 no decision had

been taken regarding the constitutionality of the Act. The Special Rapporteur is concerned that the high fee required to file any complaint with the Court, represents a significant restriction of access to this judicial mechanism.

11. The Special Rapporteur was informed of a number of positive developments, for example the new National Policy for Women's Empowerment of March 2007 provides for the eradication of harmful traditions and the application of laws that protect women's rights. After UNMIS raised concerns about violations of the human rights of members of displaced communities, a liaison officer was appointed by the police commissioner in 2006. Between October and December 2006, the UNMIS Human Rights Office held regular meetings and organized a number of joint visits to police stations to seek information and request corrective action on reported human rights violations. After a four-month interruption of these meetings, the Special Rapporteur was pleased to learn that they were resumed in July 2007. In April 2007, Khartoum State adopted guidelines on the relocation of people, based on international standards. A number of orders were issued in pursuance of the recommendations of the Group on Darfur, including Order of the Director General of the Police No. 59/2007 dated 31 July 2007 on facilitation of the work of the United Nations human rights officers in the Sudan, Order of the Director General of the Police No. 58/2007 dated 31 July 2007 on treatment of detainees and prisoners and Order of the Director General of the Police No. 57/2007 dated 31 July 2007 on procedures lifting the immunity of members of the police force. The Advisory Council for Human Rights informed the Special Rapporteur that perpetrators of human rights violations were being brought to justice and gave the example of two intelligence policemen who were before Khartoum East Criminal Court for allegedly torturing a detainee to death while he was in police custody. She also received information about cases of killing, rape, robbery and looting in Darfur that were under investigation or had been investigated, and in some cases perpetrators prosecuted, including members of the Border Intelligence Guards and the Sudan Alliance Forces.

12. The Advisory Council for Human Rights and the National Council for Child Welfare are monitoring child rights and have intervened in death penalty cases (examples were provided of cases where the death sentence had been repealed because of the age of the accused) and to protect the rights of children in prisons and reformatories and of internally displaced persons in Khartoum.

13. The Advisory Council for Human Rights provided information on recent investigations into allegations of human rights violations. A parliamentary committee was formed at the beginning of July to collect general information relating to the construction of a dam in the Kajbar area and to report back to the National Assembly at its October session. A committee of investigation headed by the general prosecutor of Northern State was established to investigate the killing of four civilians in June by the security forces during a community protest against the construction of the dam. The committee has submitted its confidential report to the Minister of Justice who, however, referred the report back to the committee, reportedly to close some unspecified gaps in the investigation. The Special Rapporteur was informed that a committee of investigation had also been established by the Minister of Justice with regard to a sabotage attempt in July 2007. She encouraged her interlocutors to make the findings of the investigations public and to ensure that those responsible are prosecuted. This has not been done so far.

14. The Commission for the Protection of the Rights of Non-Muslims in the National Capital held its second meeting in July 2007. The national human rights commission, the electoral commission, and the land commission have yet to be created. The Special Rapporteur was informed that draft enabling legislation for the commissions was being prepared and would be discussed formally when the National Assembly reconvened in October 2007.

15. In summary, there has been some progress. However, significant portions of the Comprehensive Peace Agreement that would improve the human rights record of the Sudan have not been implemented and, as a result, the country's legal and institutional human rights framework remains weak.

III. Northern Sudan

16. In Northern Sudan, despite the potential for democratic transition and the optimism created by the Interim National Constitution and the Bill of Rights, violations of civil and political rights continue.

17. An example of these continuing violations is the violation of the rights of communities who will be, or have been, adversely affected by the construction of two large-scale hydropower dams in the Merowe and Kajbar areas in the northern Nile valley in the Sudan during the past two years. The two latest incidents, which occurred in April and June in the Kajbar area, reveal a variety of human rights violations against local residents opposing the construction of the dam in that area. Much of the discontent arose from claims that the authorities responsible for planning the dam had not adequately consulted the local community when they revived plans for the dam in 2006. The concerns of local residents were amplified as a result of what had previously happened to people in the Merowe area as a result of a separate dam project.[3]

18. In late April, in the vicinity of Sabu village in the Kajbar area, two civilians were injured by bullets during clashes with police seeking to disperse a large-scale protest against the construction of the dam. On 13 June, some 500 men and women set out on a protest march from the hamlet of Jeddi to give a memorandum to the authorities in Sabu. Before they reached Sabu, some 40 members of the security forces, including police, fired tear gas at the crowd and then used live ammunition. According to reports, four men aged between 18 and 45 were killed after being hit by bullets in the head or chest. A further 11 people reportedly received bullet wounds.

19. In the wake of the protests, some 26 people were arrested by police and National Security officers in the Kajbar area and in Khartoum, and most of them

[3] The Merowe project required the relocation of some 55,000 people. The dam construction resulted in the flooding of lands by the Nile in August 2006, reportedly forcing close to 3,000 households out of their homes in the following weeks. This flooding resulted in the affected people being left temporarily without food, shelter or medical care. Additionally, certain resettlement lands were grossly inadequate. Some 800 families were reportedly not allocated housing and were forced to seek shelter with relatives. Community representatives have also complained about the poor soil quality and the ineffectiveness of the irrigation system in the area of relocation, indicating that the Government failed to fulfil its promises to provide adequate infrastructure and services in the relocation area, and failed to pay in full the compensation agreed to for lost assets.

were held incommunicado by the National Intelligence and Security Service (NISS). Six journalists were detained and held incommunicado in relation to reporting on this case. Further arrests and detentions by NISS of campaigners and community activists have since been reported. All have been released, but some are standing trial for protest activities on criminal charges that may lead to their imprisonment.

20. Another concern is excessive use of force by the police and misconduct committed during raids in search of alcohol-brewing in camps for internally displaced persons, squatter camps and relocation areas around Khartoum. Extortion of money from members of displaced communities who are threatened with arrest is a frequent practice. Private property is frequently confiscated, sometimes in violation of procedures set out by law. Individuals who are arrested generally do not have access to legal council and are often tried and sentenced within hours of their arrest. Thus, their right to an effective defence is undermined. Moreover, there is limited right of appeal: those sentenced to prison terms of less than one month are not granted this right. During a police raid on 14 July 2007 in Omdurman El Salaam camp for internally displaced persons, one man was killed and another seriously injured.

21. The National Intelligence and Security Service continues to arrest and detain people without charge. In some cases detainees are held incommunicado for long periods, which places them at risk of ill-treatment. On 14 July 2007, the Ministry of Interior announced that several people had been arrested on 13 July on suspicion of a "conspiracy to create chaos" in Khartoum. They included Mubarak Al Fadil Al Mahdi, leader of a faction of the Umma Reform and Renewal party, Abdel Jalil Al Basha, Secretary General of that party, and an unconfirmed number of other people, most of whom are reportedly former military and police officers who were dismissed for political reasons during the early 1990s. The deputy chairman of the Democratic Unionist Party, Ali Mahmoud Hassanein, was initially detained on 14 July by National Security officers but released without charge after several hours. He was arrested again on 1 August and held incommunicado until 15 August, when his family was allowed to visit him.

22. According to official statements by the Minister of Justice which were carried in the media on 9 August, the investigation into the alleged coup has been transferred to a judicial investigation team under his authority. The violations highlighted above, and in particular the lack of prompt access to legal counsel, will undermine the defendants' right to a fair trial. The Special Rapporteur has received allegations that some of the detainees were tortured or ill-treated by National Security officers to force them to admit involvement in the alleged coup. She is concerned about the violations, in the light of the severity of the accusations against the defendants, which should be investigated thoroughly and independently while the rights of the defendants are safeguarded.

23. In another incident, Government forces arrested approximately 95 members and affiliates of the Sudan Liberation Army faction led by Minni Minnawa (SLA/MM), including four women, in Khartoum. The arrests were carried out in the context of a shooting incident on 24 March 2007 between the SLA/MM faction and Government of the Sudan security forces in the Omdurman area of Khartoum. Three police officials and nine Sudan Liberation Army (SLA) members were reportedly killed during the confrontation.

24. Some of the SLA/MM affiliates held in the custody of the State were subjected to ill-treatment that may have been so serious as to amount to torture. There were reportedly several instances in which some of those detained were threatened that they would be killed. Some who were taken to a police station were reportedly beaten by police and other security officials until they fell unconscious, others reported having been threatened with sexual violence. Detainees were reportedly beaten repeatedly during interrogation. While in detention, several of those who were injured during the shooting or as a consequence of being mistreated during arrest or while in detention complained that they were not given adequate medical attention, despite repeated requests. Other detainees who were seriously injured were admitted to hospital, but only after several days of detention.

25. A commission of inquiry into the clashes between the SLA/MM and the security forces was established by presidential decree in April 2007. A report containing the findings of the investigation was submitted to the President two weeks later. The report remained classified. The trial of five SLA/MM members accused of the murder of the three police officers failed to establish the circumstances of the killings of the policemen. Owing to lack of evidence, the court acquitted the five suspects, who were found not guilty of murder. However, four of the five defendants were sentenced for minor criminal charges relating to obstruction of police duties; they received six-month prison terms. No investigation was opened into the killing of the nine SLA/MM members.

26. Since mid-September 2006, at least 39 people of Darfurian origin were arrested in Khartoum by police and National Security officers in the context of an investigation into the murder of Mohamed Taha, editor of the Arabic-language daily *Al Wifaq*, who was killed on 6 September 2006. The trial of this murder opened on 28 February at Bahri court, Khartoum. At the trial it was revealed that a total of 73 people were arrested in relation to the murder. Most were released without charge in December 2006 and January 2007. Nineteen Darfurians were brought to trial in connection with the murder. In late August 2007, the court released nine of the defendants and dismissed the case against them for lack of evidence, but 10 people continued to stand trial.

27. The Special Rapporteur is deeply concerned at the numerous allegations she received about violations of pre-trial rights and ill-treatment of many of the detainees, both those who were released and those who remain in detention. Most of the detainees were initially held incommunicado, some for up to three months. Some were held without charge for up to four and a half months and then released. Three prominent Darfurian men, who were initially thought to have been arrested in connection with the murder investigation, appeared in fact to have been interrogated about rebel groups that did not support the Darfur Peace Agreement, but remained in detention without charge for another month. They were eventually released without charge on 28 March 2007, after some six months in detention.

28. The Special Rapporteur heard reports that individuals detained were subjected to methods of torture and ill-treatment that included being suspended from the ceiling by the arms or legs and being severely beaten on different parts of the body. Some were threatened that female relatives would be arrested and raped. Some defendants were also in poor physical and psychological condition; some could not stand up without supporting themselves and some bore clear marks of beatings and burns. She also heard reports that defendants were bribed or pressurized to

incriminate other detainees and that some of the defendants gave confessions that were extracted under torture or other cruel, inhuman and degrading treatment.

29. Following unrest in Khartoum universities, National Security officers arrested three men on 10, 11 and 12 February 2007, detained them incommunicado for between 12 and 36 hours at an undisclosed location and then released them without charge. The men were all affiliated with a minor opposition group, the Sudan Congress Party. All three were reportedly tortured or ill-treated during detention by being severely beaten and kicked by NISS officers.

30. The Khartoum media still experience restrictions on freedom of expression in the form of case-by-case censorship, the imposition of public information bans and the use of criminal legislation. The Special Rapporteur has received reports that, since mid-August, representatives of NISS have been visiting regularly several national Arabic newspapers' print houses and offices to inspect the latest edition of the papers. On several occasions, NISS officers were reported to have ordered the removal or replacement of articles and columns on the printing plate prior to printing. On 20 August, in the early hours of the morning, NISS seized all copies of the latest issue of *Ray al Shaab* from the printing house. The following day, at the printing house, NISS ordered the removal of five articles from that day's edition and in response to the manager's refusal the paper was not allowed to be published. On 22 August, *Ray al Shaab* was again not allowed to be published and the plates were confiscated from the printing press. Some articles removed provided coverage of the initial press conference of the Minister of Justice in relation to an alleged terrorist plot, while others voiced criticism of the two-month detention by NISS of a *Ray al Shaab* journalist, Mujaeed Abdallah. Other articles reported complaints of restrictions on the freedom of the press. On 21, 23 and 25 August, NISS visited the printing house of *Al Sahafa* and ordered the removal of three articles and seven news items, which were replaced with articles from previous editions. The articles reportedly provided information on an alleged terrorist plot and on the expulsion of the chargé d'affaires of the Canadian Embassy and the head of the European Union delegation.

31. Journalists continue to be at risk of intimidation and arrest. The Special Rapporteur received reports indicating that, since August 2006, at least nine journalists from daily Arabic newspapers had been arrested and detained in relation to their reporting. She is pleased to note that some courts have started to work against such arrests and detention. On 16 May 2007, the Prosecutor for the Press and Printed Materials ordered the indefinite suspension of the *Al Sudani* newspaper, one of the leading Arabic-language dailies, and the confiscation of the printing plates of that day's edition from the publishing house On 17 May 2007, the editor of *Al Sudani*, Mahjoub Urwah, and a columnist, Osman Mirghani, were arrested the by police for investigation following the filing by the Minister of Justice on 11 May of a complaint against the newspaper and the columnist for defamation. Osman Mirghani had previously published an editorial calling for the Minister's resignation in the context of a money-laundering case which is being examined by the courts. The two journalists were arrested and charged with, inter alia, defamation and "publication of false news". Both journalists have been released pending trial before the Khartoum North Criminal Court.

32. The suspension of the newspaper was based on article 130 of the 1991 Criminal Procedure Act which grants the prosecutor, in cases "relating to peace and

public health", wide-ranging powers to confiscate items belonging to a person who has been charged with an offence, or to order that person to cease any activities. The measure was imposed in the context of the defamation complaint filed by the Minister of Justice. However, the suspension order by the prosecutor did not specify in what way the continuing publication of *Al Sudani* would have threatened peace or public health.

33. On 21 May, the prosecutor's order was overturned by a court ruling that article 130 could not be applied to order the suspension of the newspaper. *Al Sudani* resumed publication on 23 May. This was the second time *Al Sudani* has been closed down in 2007: it had been suspended for one day in February after violating a court order banning public reporting on the court case relating to the murder of the prominent newspaper editor, Mohamed Taha. The use of article 130 to suspend the newspaper has been widely criticized by journalists and political actors. According to press reports, the Press Council met with Vice-President Ali Osman Taha on 20 May and urged him to end the use of article 130 against the press. A complaint filed by *Al Sudani*'s lawyers with the Constitutional Court challenging the use of article 130 against the press more widely remains pending.

34. Since the beginning of 2007, a number of public information bans have been imposed. In February, a court ordered a ban on all independent public reporting on the court case relating to the murder of Mohamed Taha. The court argued that public reporting could interfere with the course of justice; some journalists had orally questioned whether the police investigation, which focused overwhelmingly on the Darfurian community in Khartoum, would uncover the real motive and who was responsible for the murder of the newspaper editor. The court ban on public information was lifted after sustained protests by several newspapers.

35. In March, the Minister of Justice instructed all newspaper editors not to publish news on prosecutions of crimes committed in Darfur. On 23 May, the Press and Printed Press Materials National Council (Press Council) banned public reports on activities and statements of rebel groups in Darfur. On 18 July, the general prosecutor issued a blanket ban on any public reporting on the alleged sabotage attempts or the ongoing investigation, in a stated effort not to prejudice the course of justice; those violating the ban would be liable to imprisonment under article 115 of the Criminal Code. On 24 June, the general prosecutor of Northern State issued a public information ban on the work of the Kajbar investigation committee and the events that predated the incident.

36. In addition to these cases of media restrictions, domestic laws can be used to place limitations on the media. The 2004 Press and Printed Materials Act contains numerous provisions which may be used to curb criticism and does not contain clear guarantees for the protection of the freedom of expression of media practitioners. The Act also puts in place various restrictions and protocols that make it difficult for new media sources to come into existence. Its application is supervised by the Press Council, a body that is generally perceived to lack political independence. Certain provisions of other laws, such as the Criminal Code and the Criminal Procedure Act, have also been used to restrict the freedom of the press.

37. Justice and accountability continue to be a challenge. Despite their different circumstances, the above-mentioned violations are linked together by the Government's failure to hold perpetrators accountable. In relation to the Kajbar and Merowe dam incidents, the Government did establish inquiries, but their findings

have not been made public and no charges have been lodged for any wrongdoing. In the case of the man who was killed and the other man who was injured on 14 July 2007 in Omdurman El Salaam camp for internally displaced persons, no official investigation is known to have been undertaken. Sudan People's Liberation Movement (SPLM) representatives from Southern Kordofan are, however, supporting the community in bringing a lawsuit against the police for the killing. Perpetrators of torture or other forms of ill-treatment have rarely been brought to justice. None of the cases of ill-treatment detailed in the present report have been prosecuted and, in fact, some of them have been denied by the Government.

IV. Darfur

38. Gross violations of human rights continue in the Darfur region. Government and militia attacks make up the bulk of the cases of unlawful killing, although SLA/MM and the rebels are not clear of blame. In all three Darfur states, unlawful arrests and detentions are taking place, as are abduction, torture, and other ill-treatment of individuals by the Government of the Sudan, as well as by rebel groups to a lesser degree. Women and girls continue to be sexually assaulted and raped.

39. As of July 2007, more than 2 million people had been displaced as a result of the conflict and approximately 4 million out of 6 million people in Darfur are being provided with humanitarian assistance. With people trapped in camps, there were widespread reports of the occupation of abandoned villages. The potential for population return is highly limited and displacement continues. In June 2007, 2,700 new internally displaced persons came to El Fasher because of insecurity in eastern Jebel Marra. In South Darfur, insecurity has caused the population of Al Salam camp to swell from 13,300 internally displaced persons in March 2007 to over 33,000 in early July.[4]

40. As Darfur enters its fifth year of armed conflict in late 2007, Government forces, pro-Government militia, rebel fighters and bandits are operating in a general state of lawlessness. The administration of justice in Darfur is severely weakened by a culture of impunity, a poorly functioning law enforcement system, staff and resource shortcomings in the judiciary and the public prosecutor's office, and lack of political will.

41. Since the conflict began, the Government has announced the establishment of numerous investigatory committees to look into specific attacks. These committees are not undertaking real investigations into serious violations of human rights and international humanitarian law and their finding have never been made public. For example, the Government has announced the establishment of committees to investigate among others, incidents that occurred in El Deain locality (November 2006), in areas outside Jebel Moon (October 2006), in Shearia (March 2006), in Tama (October 2005), in Aro Sharow and Guzminu (September 2005), in Khor Abeche (April 2005), in Hamada and Buram (January 2005) and in Marla and Labado (December 2004).

42. The most prominent of the conflict-related accountability mechanisms in Darfur are the Special Criminal Courts on the Events in Darfur, which the Chief Justice of the Sudan established by decree on 7 June 2005. A number of public

[4] UNMIS briefing to the press, 4 July 2007.

statements by the Government of Sudan indicated that the special courts were established to deal with major criminal offences which had occurred in the states of the Darfur region and which could be characterized as war crimes or crimes against humanity. To date, only nine cases have come before the special courts. Of 31 defendants, nine were civilians involved in non-conflict related activities such as armed robbery, unlawful possession of weapons or murder. Only one case before the special courts related to an attack that involved the serious crimes committed during the conflict. However, the men charged in relation to the attack (in October 2005 on Tama in South Darfur) were found guilty of stealing property at the site of the attack after it had taken place. No one has been found guilty of a war crime or a crime against humanity.

43. The issue of command responsibility and of holding high-ranking officials accountable is effectively being ignored. Only one high-ranking official was ever charged and he was acquitted. Ten officials were convicted by the special courts, but they were all low-level officers. Of these, two Military Intelligence officers were convicted for the murder of a 13-year-old boy who died as a result of torture while in custody. However, their two-year prison sentences were nullified by the presidential amnesty decree issued on 11 June 2006.

44. It is apparent that justice is not completely out of reach in Darfur. State agents have been tried and prosecuted for serious human rights abuses. In El Geneina, West Darfur, the Special Rapporteur was made aware of three cases where state officials had been convicted and sentenced in 2006 for rape. These cases were a rarity given the extent of the problem. Moreover, the convictions came only after unacceptable numbers of court adjournments, often due to the defendant not appearing in court. These cases indicate that while accountability is possible, it occurs under exceptional circumstances. These cases also demonstrate that, without the persistence of the judicial system (namely, judges and lawyers), the convicted state agents would likely have never stood trial through to completion.

45. The situation in Darfur was transferred to the Prosecutor of the International Criminal Court by Security Council resolution 1593 (2005) of 31 March 2005. After two years of criminal investigation, on 27 April 2007 the Pre-Trial Chamber of ICC issued warrants for the arrest of Ahmad Harun and Ali Kushayb. The Special Rapporteur is concerned that the Government of the Sudan has not cooperated with ICC or investigated the charges of war crimes and crimes against humanity against the accused at the national level.

V. Eastern Sudan

46. The peace talks between the Government of National Unity and the Eastern Front started in July 2006 and the Eastern Sudan Peace Agreement was signed in October 2006. This was the third peace agreement signed by the Government of the Sudan in less than two years, following the Comprehensive Peace Agreement and the Darfur Peace Agreement. It is modelled on some sections of the earlier agreements in form and structure, but is generally vaguer and less binding, containing general declarations without specific deadlines or implementation modalities.

47. According to interlocutors the Special Rapporteur met, the Eastern Sudan Peace Agreement does not treat the root causes of the conflict or offer substantial

concessions to the marginalized people of eastern Sudan. It does not deliver on key Eastern Front demands, including justice for the 29 January 2005 massacre in Port Sudan. The agreement also does not address the issue of land tenure and the compensation of relocated and displaced people, particularly in Bashaer ports and the Red Sea free zone.

48. The Special Rapporteur reported on the situation in the region in her report to the General Assembly last year (A/61/469, paras. 39-44) and she is deeply concerned that the victims of the massacre in Port Sudan have still not received justice. On 18 February 2005 the Government established a committee of investigation. The findings, however, have still not been published and no one has been prosecuted in relation to these events.

VI. Transitional areas

49. The transitional areas are comprised of Southern Kordofan, Abyei and Blue Nile State. These states were battle-grounds in the war, when many non-Arab populations in central Sudan adhered to SPLA/M. Southern Kordofan and Blue Nile State fought beside the SPLA during the war but were separated from the south during the peace negotiations and received agreements which did not satisfy their demands. Southern Kordofan and Blue Nile State are northern states, while the administration of Abyei has yet to be reviewed.

50. The security situation is relatively calm, although at times volatile and unpredictable since underlying causes of violence remain present. Long-time rivalries among tribal groups — encouraged during the conflict by the parties — still exist. Clashes over land, water points and cattle occur and have resulted in sporadic killings.

51. Cases of ill treatment and torture by SPLA have been documented by the UNMIS Human Rights Office and brought to the attention of the authorities concerned. Interference with and disrespect for the rule of law by the military, in particular when its members are involved in crimes, contributes to a situation of impunity. A combination of a lack of capacity and interest in and fear of investigating such human rights violations and abuses by the police and the judicial authorities further exacerbates this situation.

52. The administration of justice faces enormous challenges because two parallel judicial systems are in place. The judiciaries in the areas controlled by the Sudan People's Liberation Movement/Army (SPLM/A) are still integrated into Southern Sudan and apply its laws. In Abeyi, there are no official judicial structures only traditional/customary courts and an unofficial town court. Judicial structures throughout the transitional areas are ill-equipped and there is a shortage of qualified judges in SPLM/A areas. In a move to address this situation, paralegals serve as low-level judges in SPLM areas. Legal assistance is limited to the state capitals, at high cost; practically no free legal assistance is provided by Southern Sudan. For this and many other reasons, people make use of the tribal mechanisms to resolve conflict. Several aspects of traditional customary law and practices do not conform to international standards, especially with regard to women's rights. Prolonged detention is quite common in the SPLM-controlled area in Southern Kordofan. The absence of prosecutors and judges contributes to this situation.

53. The violation of women's rights is a matter of concern. Female genital mutilation is widely practised. Women are placed in detention on charges of adultery or for family disputes. Forced marriages also continue to be largely practised in the transitional areas.

54. Large numbers of people who left during the war are currently returning from neighbouring countries, as well as from other parts of Sudan. The presence of landmines and unexploded ordnance are a significant risk for returnees. As people come back, the issue of land and property remains a challenge that the authorities will need to address. Land, old tribal rivalries and arms proliferation are an explosive combination and a source of instability. Currently, customary courts are looking into conflicts over land.

55. Serious deficiencies in the enjoyment of economic, social and cultural rights are common in the transitional areas. The State authorities, unable to ensure adequate access to basic rights, rely heavily on United Nations agencies and international non-governmental organizations for the provision of basic services such as health care and education. The displacement of populations as a result of the activities of oil companies has also been reported. These and other concerns will need to be addressed by the National Petroleum Commission once it is established in accordance with the Interim National Constitution. Recent floods in Blue Nile State have caused major destruction of infrastructure, leaving people without shelter and students without schools.

VII. Southern Sudan

56. The President of the Government of Southern Sudan signed into law the Interim Constitution of Southern Sudan on 2 December 2005. The Southern Sudan Legislative Assembly has approved the Code of Evidence Act and the Interpretation of Laws and General Provisions Act, signed into law in October 2006.

57. At the opening of the third session of the Southern Sudan Legislative Assembly, in May 2007, the President of the Government of Southern Sudan highlighted five priorities of his Government: rehabilitation of physical infrastructure; provision of basic social services; diversification of the economy; strengthening public institutions; and good governance and security.

58. On 12 July 2007, the Supreme Court issued its first circular on the Applicable Law in Southern Sudan (Judicial Circular 1/2007). The circular directs the judiciary "to apply the current laws of the New Sudan in all suits within the territory of Southern Sudan arising on or after 10 July 2005". For suits that arose before that date, the judiciary is to "apply the laws of the New Sudan if the suit arose in SPLM-controlled territory, and the relevant national laws in territory controlled by the Government of the Sudan".

59. Many bills are pending. The substantial backlog is due to limited capacity in the Ministry of Legal Affairs and Constitutional Development to review draft bills. Seven laws have gone through the drafting process and have either been tabled with the Legislative Assembly or are in the final phases of approval by the Council of Ministers. These are: the Criminal Code (based on the 1974 criminal law, the SPLM/A criminal code and traditional laws); the Code of Criminal Procedure; the Schedule to the Code of Criminal Procedure; the Code of Civil Procedure; the Child

Bill; the Judiciary Act; the Justice Chamber Act; and the Ministry of Legal Affairs and Constitutional Development Organizational Act. The Southern Sudan Police Service Bill and the Southern Sudan Prisons Act are also in draft form.

60. A further set of bills providing for the legal establishment of the commissions mandated by the Comprehensive Peace Agreement in Southern Sudan have been drafted and passed to the Council of Ministers. These include the bills for a disarmament, demobilization and reintegration commission; an anti-corruption commission; a peace commission; a census, statistics and evaluations commission; an employee grievance act; and a disabled war veterans' commission. The Human Rights Commission Act, the Public Service Commission Act and the Land Commission Act are not included in this set of bills.

61. Once the bills reach the legislative assembly, delays occur in their review, owing to the lack of practice and expertise in passing laws.

62. A 2007 draft Southern Sudan police bill in its current form does raise some concerns: it refers to special jurisdiction over criminal acts committed by the police and does not provide for mechanisms to address complaints lodged by the population regarding police behaviour. The Southern Sudan Police, in an effort to increase its numbers, has been recruiting former SPLA soldiers and providing them with a limited three-month training package. It will be important to help reorient former combatants trained for war to assume new policing roles. In order to assist the Southern Sudan Police, United Nations police officers are sitting in local police premises advising on day-to-day duties and carrying out training programmes. The UNMIS Human Rights Office has been involving police authorities in the south, civil society representatives, the United Nations police and other key stakeholders in the process of elaborating a human rights training manual for the police.

63. Considerable challenges are faced by the law enforcement agencies, as they are ill-equipped and ill-resourced. Abuses committed by the police in the form of illegal and prolonged detention and ill-treatment continue to be reported. In Wau, for example, the beatings and lashings inflicted on a woman by policemen resulted in the victim being hospitalized in a grave condition, and in another case in the victim's subsequent death.

64. A demonstration by university students in Malakal ended with one student dead and three injured when the security forces fired gunshots in an attempt to control the demonstrators. An investigation into the case has been opened by the Office of the Attorney General. In another incident of excessive use of force, this time in Wau, students were harshly beaten by soldiers seeking to pass through a student blockade. As a result several students had to be hospitalized. The police have failed to open an investigation and the students have not filed any complaint for fear of reprisals.

65. On 7 August 2007, the editor-in-chief of the Juba newspaper *The Citizen* was arrested by the police in Juba, reportedly in connection with an article about inflated prices for the purchase of vehicles by senior officials of the Government of Southern Sudan. The journalist was released as no arrest summons had been issued.

66. A man accused of theft was subjected to serious beatings by two policemen in Wau when he was arrested. He was placed in an overcrowded detention cell in the police station and received no medical treatment for his injuries. Several days later he was found dead. Arrest warrants have been issued against the two police officers.

67. Detention conditions both in police premises and in state-run prisons are far from being in conformity with international standards. Prisons are overcrowded, the infrastructure and facilities are largely inadequate, juveniles are detained along with adults, the mentally ill are not provided with adequate care and a large part of the prison population has been in detention for periods that will exceed their penalties if they are found guilty. In Rumbek, owing to the grave conditions of detention in prison facilities, the authorities are looking at how to speed up the process of legal review of cases of people in remand. In May 2007, the Government of Southern Sudan, the United Nations Development Programme and UNMIS signed a memorandum of understanding to address prison reform. An agreement has also been reached on placing technical advisers in prison facilities in the near future. In the meantime, training for over 500 ex-SPLA soldiers assigned to the Southern Sudan Prison Service has begun.

68. Further efforts have been undertaken by the Government of Southern Sudan in relation to the administration of justice. The Chief Justice of the Supreme Court of Southern Sudan and his deputy were recently appointed. Reportedly, more than 200 legal counsellors and prosecutors for the southern states have also been appointed. This would be a positive move as the lack of prosecutors, especially in remote areas, has seriously hampered the administration of justice. Mobile courts have also been created in order to address the backlog of hundreds of cases of people in remand detention, many held for prolonged periods. In Lakes State the process of reviewing these cases is under way. The challenges for officials administering justice are enormous as they are meant to apply codified laws in areas where customary law and traditional practices have been widely applied by local chiefs. Many of these traditional practices are not in conformity with international standards and Sudanese laws. There is no doubt that this will remain a major challenge for the Government of Southern Sudan.

69. The administration of justice and respect for the rule of law are further challenged by frequently reported interference and abuse of power by officials, both civil and military. Cases of military personnel asserting powers of arrest over civilians are common. This situation not only feeds into the population's existing mistrust of state authorities and institutions, but encourages widespread impunity and disrespect for the rule of law.

70. Women's rights in Southern Sudan are largely being violated as international and national laws are disregarded. The Interim Constitution of Southern Sudan, in section 20, provides for the enjoyment by women of their rights, including the right to own property and to inherit. Customary laws and practices are still in place, however, and therefore women's rights are not protected. This situation is compounded by the fact that it is not clear which laws apply when and where, or which court has jurisdiction to handle certain cases.

71. Early and forced marriages are common. Women have little to no access to land or property. Women are regularly placed in detention for, inter alia, adultery or acts of other family members — sometimes at the request of the family itself — and for lack of payment of dowry and family debts. Violence against women, including female genital mutilation, is also frequent and no effective mechanisms for redress are in place. Participation of women in decision-making positions is limited in spite of Constitutional provisions calling for affirmative action and a minimum of 25 per cent representation of women in Government institutions. In spite of this bleak

scenario, some groups of women have organized themselves and formed associations in the south.

72. The dominant position of SPLM in government as well as in relation to the media has raised concerns among other political parties and voices in the south. These concerns are even more apparent in view of the upcoming electoral period, when respect for freedom of expression, assembly and association and the exercise of political rights will be at stake.

73. The advancement of economic, social and cultural rights is going at an extremely low pace as budget allocations and transfers from the Government of Southern Sudan to the states are far from ideal. This scenario is seriously affecting the delivery of basic services such as health care, education and water supply, and is having a negative impact on the credibility of the Government of Southern Sudan and the benefits of the Comprehensive Peace Agreement. The lack of basic services is resulting not only in high maternal and infant mortality but also in outbreaks of waterborne diseases such as cholera and meningitis. Important development and reconstruction projects have yet to be implemented as pledges from donor countries are announced.

74. The livelihoods of people living in oil-rich areas have deteriorated as environmental damage caused by oil companies continues to have negative consequences. Inadequate waste disposal, resulting in water contamination, is a great risk for the health and livelihoods of people in these areas. Property and land have been taken for roads to be built, changing the course of water, with harmful effects on grazing and farming. There are allegations of violations of labour laws by these companies and there are no effective mechanisms in place for redress.

75. Property and land rights have also been at stake in the south. Forced evictions have been ordered by local officials. The demolition of houses in the Wolyang area, near Juba town, and the forced eviction of 285 families in May 2007 by the military and the police is a case in point. The forced eviction is reported to have been carried out without any prior notice, consultation or provision of an alternative housing scheme, although some compensation was provided. The Special Rapporteur was pleased to learn that the Southern Sudan Human Rights Commission is following this case. Victims appear to be ready to take it to the courts. Confusion over the applicable law in relation to land and property rights is also prevalent in rural areas such as in Northern Bahr El Ghazal, where judges are refusing to adjudicate land tenure disputes. Property and land rights will also be at stake as people return to their villages of origin and start presenting claims.

76. The voluntary return of southerners continues throughout the region. Not only will basic services need to be in place in order to attract returnees, but also job opportunities will need to be made available. This movement of populations will have interesting implications in the light of the upcoming census and elections.

77. Security in the region is crucial for returnees and for the livelihood of people in the south. One of the concerns is the large amount of weapons throughout the region. Tribal clashes over water points, land and cattle continue to affect the area. Fifty-four civilians, mainly women and children, from the Didinga tribe were killed, allegedly by Toposa tribesmen, in Baudi county, Eastern Equatorial in May 2007. After an initial limited response from the local authorities, the Government established an ad hoc commission to investigate the killings. The findings of this

commission have yet to be revealed. The Special Rapporteur strongly encourages the findings being made public and the perpetrators being held accountable.

78. The establishment of ad hoc commissions has been an inadequate response by the Government, as their findings are not made public and no efforts to prosecute those suspected of committing abuses ensue.

79. As in any war-torn society, enormous reconstruction efforts will be needed. Many were killed, others fled and those that remained were left with hardly any opportunities to develop themselves. In this context, civil society organizations had little chance to develop and flourish. Slowly, as peace settles in, some civil society groups are organizing themselves. Organizations linked to religious groups can be found in the south. Southerners have also established organizations based in Khartoum and have in the past contributed to alternative reports for the treaty bodies.

80. In October 2006, the President of the Government of Southern Sudan, Salva Kiir, issued a decree appointing the five members of the Southern Sudan Human Rights Commission. Legislation establishing the Commission's mandate and functions has yet to be passed. However, the body has moved ahead with internal planning. It agreed upon its Strategic Plan in November 2006. The plan includes five immediate objectives: to build effective and efficient institutional capacity for the promotion and protection of human rights; to develop a comprehensive and effective human rights education programme for Southern Sudan; to establish an effective complaints and victim protection mechanism; to ensure effective human rights monitoring; and to develop a reporting system. New draft enabling legislation for the Commission was circulated in July 2007. The draft details the powers, functions, structure, and administrative and financial provisions of the Commission. The Special Rapporteur would urge those responsible to ensure that the enabling legislation ensures that the Commission will be an independent, pluralistic institution in conformity with the Principles relating to the Status of National Institutions (the Paris Principles). She is pleased to note that, although enabling legislation has yet to be adopted, the Southern Sudan Human Rights Commission is already taking up some human rights cases.

VIII. Conclusions

81. **The protection of human rights in the Sudan remains an enormous challenge.**

82. **In the Darfur region, gross violations of human rights continue to be perpetrated by all parties. Arbitrary arrest, torture, illegal taxation, extortion and sexual violence continue. Some progress has occurred on the political front; however, potential advances largely remain unrealized. The Special Rapporteur welcomes the agreement between the Government of the Sudan and the United Nations/African Union and the adoption by the Security Council of resolution 1769 (2007) on 31 July 2007 authorizing the deployment of the hybrid operation, which should help protect the human rights of civilians. However, the protection of civilians remains the primary responsibility of the Sudanese State and is still insufficient.**

83. In all parts of the country, human rights continue to be violated. Fundamental rights, including the freedoms of expression and association, are being violated. Political opposition parties, journalists, students, internally displaced persons and tribal leaders continue to be targeted for their activities. This is of particular concern as the country prepares for elections in 2009. The security apparatus continues to arrest and detain civilians arbitrarily. Detainees are often subjected to torture and ill-treatment and are denied access to legal services.

84. Justice and accountability continue to be a major challenge. Several investigative committees have been formed following allegations of serious human rights violations in the north and in Southern Sudan. However, the findings of the investigations have not been made public. According to the information received, no perpetrators have been prosecuted.

85. In Southern Sudan there are inadequate resources and equipment, and legal reform, law enforcement and the administration of justice remain weak. Moreover, there are no mechanisms to deal with the pluralism of laws that exists in the country.

86. The advancement of economic, social and cultural rights is going at an extremely slow pace. Widespread poverty, corruption, lack of transparency and marginalization continue to be sources of political unrest and dissatisfaction throughout the country. This situation is seriously inhibiting the delivery of basic social services, such as health care, education and water supply, especially in Southern Sudan.

IX. Recommendations

87. The Special Rapporteur recommends that:

(i) The Government of National Unity:

(a) Revise the laws to conform with the Comprehensive Peace Agreement, the Interim National Constitution and international human rights standards. Immediate attention should be given to revision of the National Security Act, the Armed Forces Act, the Police Act, the Election Act and other required laws. Consultations should be held with relevant groups, including women's groups, to ensure that women are granted their rights;

(b) Accelerate the implementation of the Comprehensive Peace Agreement and establish the remaining commissions provided for in the Comprehensive Peace Agreement, such as the electoral commission, the land commission and, especially, the national human rights commission. The human rights commission's mandate must conform to the Paris Principles, guarantee its independence and provide sufficient funds to ensure its effectiveness;

(c) Foster the disarmament, demobilization and reintegration of the militia and other armed groups all over the Sudan in order to make the situation conducive for people to exercise their political rights in the context of the upcoming election;

(d) Protect physical security and freedom of movement in the country by putting in place credible, capable and professional police forces, sufficient prosecutors and a strong judiciary, and to establish strict vetting procedures in accordance with international human rights law to ensure that those responsible for war crimes and crimes against humanity are not put in positions of power;

(e) Investigate all reports of human rights violations with transparency, make the reports of the investigative committee public and bring perpetrators to justice to end the culture of impunity and promote the rule of law;

(f) Ensure the physical integrity and human rights of all detainees and ensure access for them to legal aid, to medical facilities and to their relatives. Special attention should be paid to women and children who are in detention;

(g) Fully cooperate with the International Criminal Court and the international community to arrest the people who are accused of war crimes and crimes against humanity;

(h) Guarantee the enjoyment of all the freedoms by journalists, human rights defenders, community activists and members of the political parties;

(i) Ratify the remaining international instruments for the protection of human rights, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Rome Statute of the International Criminal Court;

(ii) The warring factions:

(a) Respect their obligations under international human rights law and international humanitarian law, in particular with regard to the protection of civilians;

(b) Facilitate the provision of humanitarian assistance by the United Nations and other agencies to people in need;

(c) Fully cooperate with the United Nations/African Union peacekeeping forces to protect the civilian population and support the political process for a peaceful solution to the Darfur conflict;

(iii) The Government of Southern Sudan:

(a) Accelerate the process of legal reform, in accordance with the Comprehensive Peace Agreement, the Southern Sudan Constitution and international human rights standards, and ensure that law enforcement officials are given training and resources to enable them to function effectively;

(b) Accelerate the disarmament, demobilization and reintegration of ex-combatants and other armed groups in order to ensure security in Southern Sudan;

(c) Prevent SPLA interference in the administration of justice, especially in the work of the police and the judiciary, and provide them with professional training;

(d) Accelerate development by providing social services to the people, especially returnees and other vulnerable groups; and create job opportunities for the young and for women heads of household;

(e) While expressing her appreciation at the establishment of the human rights commission in Southern Sudan, the Special Rapporteur stresses the importance of the act on the human rights commission being passed, of the commission conforming to the Paris Principles and of it being allocated sufficient funds to function effectively;

(iv) The international community:

(a) Continue to provide technical and financial support to the Government of National Unity, especially to the Government of Southern Sudan, to implement the Comprehensive Peace Agreement and build democratic national institutions for the protection of human rights and the equality of citizens;

(b) Support the Security Council resolution on the United Nations/African Union hybrid force politically and financially to enable it to protect the human rights of civilians in Darfur and to end the culture of impunity;

(c) Support and facilitate the political process to end the conflict in Darfur, without allowing victims of violations of human rights to be victimized once again in the name of security or peace;

(d) Support the Government of National Unity and the Government of Southern Sudan in building up the rule of law and promoting democratic transition based on equality, human rights and the reduction of poverty;

(v) The United Nations:

(a) Play a more proactive role in the protection of civilians and respect for human rights. The peacekeeping mandate should be widely disseminated in the Sudan;

(b) Guarantee accountability and justice in the Sudan; and ensure that there is no amnesty for war crimes and crimes against humanity;

(c) Appoint senior human rights staff to assist with the provision of technical assistance to the Sudan, in particular for the establishment of the Southern Sudan legal system and the training of legal personnel;

(d) Special support should be provided by the Office of the United Nations High Commissioner for Human Rights for the capacity-building of the human rights commission of Southern Sudan.

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Financial reports and audited financial statements, and reports of the Board of Auditors

Financial reports and audited financial statements and reports of the Board of Auditors for the period ended 31 December 2006 and implementation of the recommendations of the Board relating to the biennium 2004-2005

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report (in advance unedited form) of the Board of Auditors on the financial statements of the voluntary funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2006 (A/62/5/Add.5), as well as an advance copy of the Board's report on the implementation of its recommendations relating to the biennium 2004-2005 (see A/62/120). During its consideration of the reports the Advisory Committee met with members of the Audit Operations Committee, who provided additional information and clarification.

2. The Advisory Committee will consider the Board's report on the capital master plan for the year ended 31 December 2006 (A/62/5 (Vol. V)) when it takes up the fifth annual progress report of the Secretary-General on the implementation of the capital master plan, which it expects to receive in the coming weeks.

II. Voluntary funds administered by the United Nations High Commissioner for Refugees

3. The Board of Auditors issued an unqualified audit opinion on the financial statements of the voluntary funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2006 (see

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A/62/5/Add.5), but emphasized its concerns as regards the need for the timely receipt and monitoring of audit certificates in respect of implementing partners' expenditure, the deficient asset-tracking system and its impact on the accuracy of the non-expendable property disclosed in note 15 to the financial statements, and the improper recording of some expenditures incurred in 2007 as unliquidated obligations as at 31 December 2006. The Board's findings and recommendations cover such areas as treasury management, reconciliation of bank accounts and cash balances, receipt of audit certificates from implementing partners' expenditure, unliquidated obligations, non-expendable property, investments, emergency and security services, ethical standards, internal audit and fraud and presumptive fraud. **The Advisory Committee concurs with the Board's recommendations and trusts that the Office of the United Nations High Commissioner for Refugees (UNHCR) will spare no effort to implement them as a matter of priority.**

4. A number of the issues raised by the Board have also been addressed by the Advisory Committee in the context of its consideration of the biennial programme budget of UNHCR for 2008-2009 (A/AC.96/1040). Since the report of the Advisory Committee on the biennial programme budget of UNHCR is submitted directly to the Executive Committee of the High Commissioner's Programme, some of those concerns are summarized below.

5. In its report the Board stated that for the year ended 31 December 2005, of a total of 64 recommendations, 5 had been implemented by April 2007, 57 were under implementation and 2 had not been implemented. Of the 57 that were under implementation, 35 (61 per cent) related to 2005, 1 (2 per cent) to 2004, 20 (35 per cent) to 2003 and 1 (2 per cent) to 2000 (see A/62/5/Add.5, chap. II, paras. 6-8).

6. The gap between requirements and funds available to UNHCR has been a recurrent problem highlighted by both the Board and the Advisory Committee. The Committee has stressed that it is important for UNHCR to ensure predictability, flexibility and early funding, particularly in the context of the newly instituted biennial budget cycle (see A/AC.96/1026/Add.1, para. 9). With the exception of 2003, in the years from 2000 to 2005 expenditures exceeded income. In order to avoid such a situation, for 2006 UNHCR reduced its budget estimate and took measures aimed at reducing administrative costs, including restrictions on the hiring of temporary staff. This has contributed to reducing expenditures for 2006 by more than $40 million, as shown in table 5 of the report of the Board of Auditors. The Board points out, however, that the other main reason for the improvement in the financial position of UNHCR was an exchange gain of $23.7 million, compared to a loss of $36 million the previous year. Thus, in the Board's view, the sustainability of the improvement in the financial situation of UNHCR will depend on its ability "to build on these short-term remedies to secure a more permanent turnaround" (A/62/5/Add.5, chap. II, para. 27). Furthermore, the Board indicates that from 2005 to 2006 voluntary contributions decreased by nearly $24 million. The decrease in the amount of voluntary contributions presents another source of vulnerability for UNHCR, since it depends mostly on voluntary contributions. **The Advisory Committee shares the Board's concerns and urges UNHCR to increase its efforts to raise voluntary contributions.**

7. As requested by the Advisory Committee, the Board has provided an update on the practice of retention on special leave with full pay of staff members who are without assignment after the expiration of their standard assignment ("staff in

between assignments"). The findings of the Board indicate that the number of Professional staff in between assignments has decreased by 13 per cent since 2003 (from 187 in 2003 to 162 in 2006); however, from 2005 to 2006 the number of such staff increased significantly, from 113 to 162.

8. As indicated in paragraph 13 of the Board's report, it is estimated that the annual cost of staff in between assignments for UNHCR diminished by 9 per cent during the period from 2003 to 2006. However, the annual cost increased from $5.2 million in 2005 to $7.8 million in 2006. A new policy was issued in May 2006 that facilitated the placement of staff in between assignments. UNHCR stated that of the total of 162 such staff at the end of 2006, only 88 were actually not working, whereas the rest were on temporary assignments or on mission. The Board has reiterated its previous recommendations that UNHCR continue to implement a strict policy for staff in between assignments, with a view to providing every staff member with a full-time assignment in order to limit the cost for the organization (see A/58/5/Add.5, chap. II, para. 115, and A/61/5/Add.5, chap. II, para. 23). **The Advisory Committee concurs with the recommendation of the Board and recommends that the issue be urgently addressed.**

9. The Advisory Committee notes with concern that the overall rates of compliance of UNHCR with minimum operating security standards and minimum operating residential security standards were only 68 per cent and 63 per cent, respectively. The Board expresses its concern that a number of locations at phase III and above were not compliant and recommends that UNHCR ensure full compliance, especially for those duty stations. **The Committee urges priority attention to this matter.**

10. With regard to ethical standards, the Board recommends that UNHCR address the gap in current conflict-of-interest policies. **The Advisory Committee supports the recommendation of the Board and stresses the need for urgent action.**

III. Implementation of the recommendations of the Board relating to the biennium 2004-2005

11. The report of the Board of Auditors on the implementation of its recommendations relating to the biennium 2004-2005 (see A/62/120) covers 14 United Nations entities[1] on which the Board reports on a biennial basis. The Advisory Committee will consider the Board's findings on the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the United Nations Joint Staff Pension Fund in conjunction with its consideration of the budget proposals for those three entities to be presented to the General Assembly at its sixty-second session.

[1] The United Nations, the International Trade Centre UNCTAD/WTO, the United Nations University, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Institute for Training and Research, the United Nations Environment Programme, the United Nations Population Fund, the United Nations Human Settlements Programme, the United Nations Office on Drugs and Crime, the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the United Nations Joint Staff Pension Fund.

12. In paragraph 6 of its report, the Board describes the validation process for data provided by the entities covered in the report. The Board notes that in cases where no audit teams were scheduled to conduct a desk review, or where further audit procedures were needed to reach satisfactory conclusions, the data have been shown as not validated. As can be seen in table 1 of the report, the data for three entities — the United Nations Environment Programme, the United Nations Population Fund and the United Nations Human Settlements Programme — have not been validated.

13. As noted in paragraph 4 of the same report, at the time of preparation of the report, the audit of the United Nations Office for Project Services (UNOPS) for the biennium 2004-2005 had not been completed owing to the delay in the submission of financial statements by UNOPS. The status of implementation by UNOPS of recommendations for the biennium is therefore not covered in the Board's report. The Board states further that its audit of UNOPS was completed on 29 June 2007 (see A/61/5/Add.10). The Advisory Committee's report on the Board's report on UNOPS will be issued as an addendum to its report contained in document A/61/350.

14. **The Advisory Committee commends the Board of Auditors for the efforts it has made to streamline and improve the presentation of the report.** In this connection, the Committee notes that the length of the document has been reduced from 97 pages in 2005 to 37 in 2007. Furthermore, new elements have been introduced to increase comprehension and highlight main observations, such as an executive summary and numerous graphs and tables. In addition, the section of the report that provides statistical data concerning the status of implementation of recommendations has been augmented to include a general analysis and overall observations. **The Committee finds this information useful and encourages the Board to continue to refine its report along these lines.**

15. As noted in paragraph 8 and table 2 of the report, the number of recommendations made by the Board has more than tripled over the past four bienniums and has increased by 28 per cent over the last biennium. However, despite the increase, the rate of implementation has improved in comparison with the previous biennium (see A/62/120, table 3). Of a total of 651 recommendations made by the Board for the biennium 2004-2005, 342 (52 per cent) had been implemented as at 31 March 2007, 276 (43 per cent) were under implementation, 5 (1 per cent) had been overtaken by events and 28 (4 per cent) had not been implemented. In comparison, of the 509 recommendations for the biennium 2002-2003, 235 (46 per cent) had been implemented as at 31 May 2005, 230 (45 per cent) were under implementation and 44 (9 per cent) had not been implemented.

16. The Board cites a number of common reasons for lack of full implementation, including: (a) the lack of a dedicated follow-up mechanism; (b) the lack of sufficient inter-agency coordination in the implementation of recommendations pertaining to more than one organization; and (c) the undertaking of medium-term projects in areas such as information and communications technology, human resources management, procurement and treasury management (see A/62/120, para. 11).

17. Further, the Board has identified good practices in relation to the implementation and follow-up of its recommendations, which include: (a) identification and monitoring of a list of top-priority audit issues; (b) validation of management's assessment of the status of implementation of the Board's

recommendations by internal auditors; and (c) identification of causes of recurring audit observations and development of appropriate action plans to address them.

18. The lines of accountability for implementation of the Board's recommendations in the United Nations Secretariat, as stated by the Administration, are described in paragraph 18 of the report. The Department of Management is tasked with ensuring that the responsibility for the implementation of recommendations is assigned to the appropriate programme manager. The Secretary-General has entrusted the Management Committee with overall responsibility for ensuring that programme managers are effectively implementing recommendations in a timely manner. The Advisory Committee has commented on numerous occasions concerning "the need for further efforts to develop a strong culture of accountability within the United Nations ... as well as to ensure that implementation of the Board's recommendations becomes an integral part of the workplans, activities and processes of the organizational units concerned" (A/61/350, para. 12; see also A/59/400, para. 11). Upon enquiry as to further measures that might be taken to increase accountability in this regard, members of the Audit Operations Committee expressed the view that, in addition to a follow-up mechanism consisting of high-level management support in the form of a standing committee, there must also be regular reporting, an adequate information technology system to track implementation in real time and monitoring throughout the year. **The Committee recommends to the General Assembly that it urge the Secretary-General to establish this long-awaited follow-up mechanism (see General Assembly resolution 61/233 A, paras. 18-20).**

19. The Advisory Committee notes that the rate of implementation by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) appears slow; of the 34 recommendations made by the Board for the biennium 2004-2005, only 9 have been implemented, 17 are under implementation, 7 have not been implemented and 1 has been overtaken by events. However, as indicated in paragraphs 44 to 48 of the Board's report, the low rate of implementation could be explained in part by the fact that many of the recommendations were multi-year, requiring sustained effort in order to be fully implemented. Further, the Committee was informed by members of the Audit Operations Committee that UNRWA was committed to implementing the outstanding recommendations as expeditiously as possible and to that end had recently established an Audit and Inspection Committee with outside expertise to monitor implementation. **The Committee encourages UNRWA to continue efforts to expedite implementation of the Board's recommendations.**

20. The low rate of implementation by the United Nations Institute for Training and Research (UNITAR), at only 5 per cent, gives even more cause for concern. Of the 21 recommendations by the Board, only 1 has been implemented, 5 are under implementation and 15 have not been implemented. Particularly troubling is the fact that, of the 15 unimplemented recommendations, 6 relate to fraud prevention and management. The Advisory Committee notes from paragraph 50 of the report of the Board that the Administration of UNITAR has established committees and assigned staff to address 12 of the 15 unimplemented recommendations, but was not able to provide the Board with the information required in connection with the remaining 3. **While the Committee welcomes the steps taken to address the problem, it is nevertheless concerned that such a performance may point to serious managerial lapses requiring urgent remedial action. The Committee will revert**

to the matter in the context of its consideration of the programme budget for UNITAR and expects that representatives of UNITAR will be prepared to provide the Committee with a full accounting of measures it proposes to take to implement the recommendations of the Board expeditiously.

21. Of the 42 recommendations made by the Board with respect to the accounts of the United Nations Population Fund (UNFPA), 21 had been implemented and 21 were under implementation. Of those under implementation, 6 are related to procurement and contract management and 5 to human resources management. The Advisory Committee is particularly concerned about the low rate of implementation of recommendations on procurement and contract management. In this connection, it notes the Board's finding that the policy for the receipt of gifts by Procurement Services Section staff was not in accordance with the United Nations policy. As indicated in paragraph 54 of the report of the Board, UNFPA has stated that a suitable amendment would be made in the next regular update, in the summer of 2007. The Committee will take this matter up when it considers the budget of UNFPA in the coming months.

United Nations A/62/356

General Assembly

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24 September 2007

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Sixty-second session
Agenda item 54
Sustainable development

Letter dated 18 September 2007 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General

I have the honour to forward to you the final document of the Ministerial Conference on Environment and Sustainable Development: Challenges for International Governance, held in Rio de Janeiro on 4 and 5 September 2007 and presided over by the Minister for External Relations, Celso Amorim, and the Minister for the Environment, Marina Silva (see annex). The aim of the meeting was to discuss the current situation and the options for moving forward with the debate on international environmental governance and sustainable development.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 54.

(*Signed*) Maria Luiza Ribeiro **Viotti**
Ambassador
Permanent Representative of Brazil to the United Nations

07-51634 (E) 011007

Annex to the letter dated 18 September from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General

Co-chairs' summary

The co-chairs identified three areas of reflection. The first consists of points of general convergence and the second includes themes that were deemed important but on which further reflection is required because the necessary level of convergence has not been reached. The third could be defined as possible paths for future action.

Areas of convergence

1. International environmental governance must be viewed and implemented taking into account the balance between the three pillars of sustainable development. The environment is an essential part of the development process.

2. The paradigm of sustainable development lacks effective implementation. The considerable expansion of multilateral environmental agreements has rendered the implementation deficit deeper.

3. The current situation regarding international environmental governance must be improved. The status quo is not an option.

4. The United Nations must be the locus for dealing with the issue of international governance. In this context, the improvement of governance must progress gradually — step by step.

5. The United Nations Environment Programme (UNEP) is the central environmental pillar of the United Nations. The importance of its headquarters in Africa was stressed.

6. There is an urgent need for coordination and system-wide coherence. However, the resources of the multilateral system appear to be insufficient for this coordination and for effectively implementing the UNEP mandate and multilateral environmental agreements.

7. The institutional structure of international environmental governance will be effective only when a clear mandate, appropriate, foreseeable and stable financial resources, and political authority have been achieved. The system is overburdened with excessive agreements and commitments. There is dispersion and fragmentation, as well as competition for resources and overlapping mandates.

8. The autonomy of the multilateral environmental agreements that have already been negotiated must be maintained.

9. Transparency in the decision-making process is a necessary condition for the improvement of the process. Civil society's contribution was underscored.

10. In order for environmental governance to be strengthened, there must also be a strengthening of national and regional acting capacities. Furthermore, there is a need to strengthen instruments and mechanisms for capacity-building and technology transfer, such as the Bali Strategic Plan.

11. The principle of common but differentiated responsibilities must be a constant reference point in the process of international environmental governance. Poverty alleviation must also continue to be a central element of the debate.

12. There is an interest in developing a new paradigm for cooperation (North-South-South) that could help to make international environmental action more effective and penetrating. However, innovative mechanisms for cooperation — South-South and North-South-South (triangular) — must be complementary, and not a substitute for North-South cooperation.

13. The Global Environment Facility (GEF) is as an insufficient financing source; gaining access to its financing is a slow and complex process, and its decision-making structure is deemed to be excessively complex. The GEF must, however, remain a central element of any future solution for international environmental governance.

14. There will not be any progress in this discussion without the constant exercise of mutual confidence-building.

Areas where there is no convergence and where further discussion is therefore required

15. The meeting identified the following options for the institutional structure:

- The transformation of UNEP into a new institution (organization or agency) whose role would be to coordinate all actors in the environment field, with an emphasis on resource mobilization, the strengthening of institutional capacities, technology transfer and the dissemination of scientific knowledge.
- The creation of an umbrella institution (organization or agency) which would articulate environmental and sustainable development, in the normative, cooperation and financing dimensions, in implementation aspects, such as technology transfer and the dissemination of scientific knowledge, as well as in capacity-building for complying with multilaterally agreed objectives. The institution would integrate the existing international structure (UNEP, GEF and the secretariats of conventions). In this context, the role of the Commission on Sustainable Development must be reflected upon.
- Maintaining UNEP in its present format, while strengthening the programme. There is a need to decentralize its structure, as well as to increase the decision-making and implementing power of its regional offices.
- The possibility of improving the system through strengthening/improving the Economic and Social Council, by means of enhanced coordination between the Council and its thematic commissions and other agencies was also mentioned.

Many statements were made in relation to the need for innovative sources of financing, but the importance of counting on new and additional resources and the leadership of the developed countries was equally emphasized. The importance of complying with the commitments of official development assistance was also highlighted.

Next steps we can take collectively

16. The universal treatment of this issue must be strengthened within the United Nations. Informal processes are meant not to be a substitute for a wide-ranging and universal discussion, but rather to complement such a discussion.

17. Means and modalities must be identified for the progress of this dialogue, aimed at bringing ideas to maturity and at searching for convergence.

18. Identifying core functions or priorities of the governance system and its potential resources may be a difficult task, but it would indicate a possible convergence on essential elements.

19. The discussion on environmental governance in the context of sustainable development would benefit from the setting of a long-term objective, or several short- and medium-term objectives, which may be associated with the area of institutional structure or with a strategy for strengthening and improving the system.

20. Once the objectives are established, there would be a need to consider a time frame with short-, medium- and long-term deadlines.

United Nations A/62/357

General Assembly

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Sixty-second session
Agenda item 62 (b)
Social development: social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

Letter dated 21 September 2007 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to convey to you information on the efforts made by the Government of Qatar in relation to the follow-up to the tenth anniversary of the International Year of the Family, and to inform you of the salient activities of the Doha International Institute for Family Studies and Development, which, while operative since 2005, has made concerted efforts to implement the mandated objectives of the International Year of the Family and to promote and initiate action-oriented research that addresses public policies with a family perspective, in accordance with General Assembly resolution 60/133 of 16 December 2005 (see annex).

The Doha Institute for Family Studies and Development operates under the vision and patronage of Her Highness Sheikha Mozah bint Nasser al-Missned, Consort of His Highness the Emir of the State of Qatar.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 62 (b).

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

07-51640 (E) 280907

Annex to the letter dated 21 September 2007 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

The Doha International Institute for Family Studies and Development

Under the patronage of and pursuant to the vision of Her Highness Sheikha Mozah Bint Nasser al-Missned, Consort of His Highness the Emir of Qatar, the Doha International Conference for the Family was convened in Qatar in November 2004 to commemorate the tenth anniversary of the International Year of the Family. A major outcome of the Conference was the establishment, by Her Highness Sheikha Mozah, of the Doha International Institute for Family Studies and Development.

The Institute reflects the commitment of Her Highness to establishing a global study centre that will provide academic research, interdisciplinary studies and policy initiatives to support the efforts of international organizations and civil society to develop and implement family-friendly development plans, policies and programmes.

In cooperation with United Nations agencies, national governmental bodies, relevant international actors, universities, academic institutions, research organizations and non-governmental organizations, the Doha International Institute for Family Studies and Development will be guided by the objectives of the International Year of the Family to:

- Develop a regional and international network of experts and sponsor-selected research projects.
- Support effective programmes that assist the family in fulfilling successfully its many important roles.
- Promote family policy initiatives at all levels.
- Encourage intercultural dialogue and build bridges of understanding between peoples, nations and cultures.
- Organize and convene the biennial Conference of the Doha International Institute for Family Studies and Development.
- Coordinate a series of regional colloquiums on the family.
- Participate in global family policy events.
- Attend selected international conferences and academic meetings.
- Sponsor family-friendly media initiatives.
- Support selected research projects.
- Publish an annual volume of scholarly works entitled *The Family in the New Millennium*.

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General Assembly

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Sixty-second session
Agenda item 128
Proposed programme budget for the biennium 2008-2009

Construction of additional conference facilities at the Vienna International Centre

Report of the Secretary-General*

Summary

In section I of its resolution 61/252, the General Assembly took note with appreciation of the efforts of the Government of Austria, as host country, to construct conference facilities at the Vienna International Centre. The present report is submitted to provide information on progress made in the construction of additional conference facilities at the Vienna International Centre since the issuance of the last report of the Secretary-General (A/61/166).

* The submission of the report was delayed owing to the need for extensive consultations in the overall context of ongoing capital expenditure projects.

07-51479 (E) 031007

I. Introduction

1. In section I of its resolution 61/252, the General Assembly took note with appreciation of the efforts by the Government of Austria, as host country, to construct conference facilities at the Vienna International Centre, as detailed in the last report of the Secretary-General on the construction of additional conference facilities at the Vienna International Centre (A/61/166), and endorsed the related observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report (A/61/361).

2. The present report provides updated information on the status of the construction of additional conference facilities at the Vienna International Centre, and progress to date since the issuance of the last report of the Secretary-General.

II. Status of development of the project

3. The building permit for the new conference facility at the Vienna International Centre was obtained in July 2006 and construction work began in late August 2006. It is anticipated that construction will be completed by the end of 2007, that the installation of technical equipment will be completed by mid-2008 and that the building will be operational once the details of, inter alia, network infrastructure, catering facilities and security installations are finalized. It is envisaged that the four organizations based at the Vienna International Centre will begin using the new M building in September and October 2008, and it is planned to hold one or two conferences in November and/or December 2008 in the new building, on a trial basis. Full use of the building is tentatively planned for 1 January 2009, when the C building, where conferences are currently held, will be closed for asbestos removal. Following completion of the asbestos removal and refurbishment project, it is envisaged that the International Atomic Energy Agency (IAEA) would remain in the M building as its main user, while the three other organizations (the United Nations Office at Vienna, the United Nations Industrial Development Organization (UNIDO) and the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)) would rely primarily on the C building, except for large conferences and meetings.

III. United Nations contribution to the construction of additional conference facilities at the Vienna International Centre

4. Under the terms of a memorandum of understanding signed on 18 October 2004, which set a ceiling of €52.5 million for the construction of additional conference facilities, the four organizations based at the Vienna International Centre (IAEA, UNIDO, CTBTO and the United Nations Office at Vienna) would collectively contribute €2.5 million. After a review of various cost-sharing scenarios, those four organizations agreed to adopt the cost-sharing ratios based on the projected utilization of the new conference facilities to determine their share of the total amount. The United Nations share of contribution is set at 4 per cent, which will be covered by a provision of $117,700 (€100,000) included in the proposed programme budget for the biennium 2008-2009 under section 32, Construction, alteration, improvement and major maintenance.

IV. Maintenance costs of the additional conference facilities at the Vienna International Centre

5. No additional operational and maintenance costs are anticipated for the period during which the new facility is used as swing space when the removal of asbestos from and refurbishment of the existing conference building (C building) are in progress. Once the asbestos removal project is completed, it will be necessary for the organizations based at the Vienna International Centre to share the additional maintenance and operational costs relating to the utilization of the building, as well as additional security and safety costs in order to meet headquarters minimum operating security standards. The present cost-sharing formula, which is based on actual usage of space, will be applied to apportion the costs among the four organizations for their utilization of the entirety of the conference facilities available at the Vienna International Centre (i.e., the C and M buildings combined). The related financial requirements will be dealt with in conjunction with other common support costs in the context of the proposed programme budget for the relevant biennium. The M building, being a new building with many cost-saving features, is expected to be less expensive to maintain than other buildings at the Vienna International Centre. Nevertheless, since the conference capacity will be taken as a combined whole, all the organizations based at the Vienna International Centre will benefit proportionately from the M building's efficiency features.

V. Asbestos removal project

6. The asbestos removal work at the Vienna International Centre, which began in November 2004, will continue during the biennium 2008-2009 and beyond. All direct costs related to the removal of asbestos are to be borne by the host Government. At the time of writing of the present report, the overall implementation rate of the asbestos removal was 50 per cent, reflecting the completion of work in relation to four of the six towers (A, B, D and E) of the Vienna International Centre, which contain mostly offices. Asbestos removal work in the towers that accommodate joint and common services (F and G) will commence in late 2007 and continue into 2009. The asbestos removal for the building that houses primarily conference facilities and related services is scheduled to commence during the biennium 2008-2009. Accordingly, the total project plan is expected to be completed by mid-2011. The organizations based at the Vienna International Centre bear the cost of moving staff to and from the temporary office facilities. The opportunity provided by the asbestos removal work was used by the UNIDO Buildings Management Service to develop, initiate and implement major projects, such as the upgrading of cabling and replacing of windows and carpets, in a more cost-effective way. Those projects, if undertaken independently, would be prohibitively expensive, and therefore the organizations are jointly committed to taking advantage of this opportunity. The requirements for the United Nations Office at Vienna for those physical upgrades are included under section 32, Construction, alteration, improvement and major maintenance, of the proposed programme budget for the biennium 2008-2009.

VI. Action to be taken by the General Assembly

7. The General Assembly may wish to take note of the present progress report.

United Nations A/62/359 S/2007/569

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Security Council

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General Assembly
Sixty-second session
Agenda items 14, 98 (x) and 108

Prevention of armed conflict

General and complete disarmament: implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction

Measures to eliminate international terrorism

Security Council
Sixty-second year

Letter dated 18 September 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the text of the statement delivered in Bamako on 1 September 2007 by the Minister for Foreign Affairs and International Cooperation of the Republic of Mali on the occasion of a meeting with the diplomatic corps concerning the situation in the Kidal region (northern Mali) (see annex).

The statement sets out the position taken by the Malian Government on this matter.

I would be grateful if you would circulate this statement as a document of the General Assembly, under agenda items 14, 98 (x) and 108, and of the Security Council.

(*Signed*) Ami **Diallo**
Chargé d'affaires a.i.

07-51648 (E) 021007 081007

Annex to the letter dated 18 September 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the United Nations

Introductory statement delivered by the Minister for Foreign Affairs and International Cooperation of the Republic of Mali at a meeting with the diplomatic corps

Koulouba, 1 September 2007

Thank you for your presence here this morning at the Ministry of Foreign Affairs and International Cooperation. In the company of my colleagues from the ministries of territorial administration, defence and planning, I shall be speaking to you, distinguished ambassadors, heads of missions and representatives of international organizations, on behalf of the Government of the Republic of Mali to report to you on the situation in the Kidal region.

This situation is characterized by the increasing number of terrorist acts perpetrated by a group of armed bandits led by Ibrahim Ag Bahanga: members on a mission for the African Emergency Locust Project were taken hostage at Tejiarett on 26 August 2007; military supply convoys were attacked, men killed and equipment taken at Azakak on 27 August and near to Tinzawatène on 29 August; and civilian vehicles transporting people and livestock were blown up by mines near to Tinzawatène on 30 and 31 August, causing several deaths and injuries.

In response, on the instructions of the President of the Republic of Mali, the Government has very swiftly taken appropriate measures to control the situation.

The competent authorities of Mali also brought these events to national and international public attention as and when they happened.

Having recalled these facts, I would now, and subsequently, like to emphasize the following points:

1. Preserving national territorial integrity, protecting both people and property, and defending and safeguarding the values of democracy and of the Republic are, and remain, central to the mandate not only of our armed forces and security forces but also of the Republic's other institutions, which will continue to ensure their scrupulous application.

2. The President of the Republic will continue his efforts and initiatives for a concerted approach to ensure the stability and security of our country, including at the regional level.

3. With the support of its technical and financial partners, the Government will resolutely continue Mali's economic and social development programme, particularly in the northern regions, by implementing the conclusions and recommendations of the Kidal Forum of 23 and 24 March 2007.

In that respect, specific measures have already been taken, or are under implementation, particularly in the fields of health and communication. Road construction projects have also made satisfactory progress, including the asphalting of the Gao-Kidal, Ansongo-Ménaka-Anderaboukane, Niono-Tonka-Timbuktu and Kidal-Ménaka roads.

4. Mali will continue to honour its commitments to the Algiers accord of 4 July 2006:

The formation of special security units is now complete and two companies have been set up based in Tin-Ezié and Kidal.

A social and economic rehabilitation fund has been in place following the opening of an account at the Malian Solidarity Bank, into which payments are being made by the Governments of Mali and Algeria.

Similarly, a vocational training programme is being finalized for ex-combatants of the 23 May Alliance and for young people from the three northern regions. Four hundred young people stand to benefit from this programme.

5. The Government of Mali considers the actions of the armed bandits led by Ibrahim Ag Bahanga to be a serious breach in an area of our country of the hard-won peace that is essential to regional and even international security, as well as a flagrant violation of the ideals of the Third Republic and of international law, particularly the Ottawa Treaty on anti-personnel mines.

Following the example set by the Government of Mali, the international community should strongly condemn these acts and should work together with rigour and determination to combat the perpetrators of such acts.

In that respect, the Government of Mali knows that it can count on the political, diplomatic and material support of the countries and organizations that you represent to contain this new threat to international peace and security, posed by terrorism and illicit trafficking in weapons and drugs. My colleagues and I are now ready to answer any of your questions or to receive useful suggestions.